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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

— *(2.)* —

BURIALS BILL; CORRUPT PRACTICES;
FELONY BILL;
HOUSE OF COMMONS (KITCHEN AND REFRESHMENT ROOMS);
HOUSES OF PARLIAMENT
(NEW REFRESHMENT ROOMS);
JURIES BILL; CLERK OF THE PARLIAMENTS, &c.;
PARLIAMENTARY AND MUNICIPAL ELECTIONS;
PRIVATE BILLS;
PUBLIC INSTITUTIONS;
RAILWAY AND CANAL BILLS;
REGISTRATION OF VOTERS IN COUNTIES
(ENGLAND AND WALES);
SALMON FISHERIES.

Session

8 *February* —— 10 *August* 1870.

VOL. VI.

1870.

REPORTS FROM COMMITTEES:

1870.

SEVEN VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

BURIALS BILL:

0.61. Reprint of the Minutes of Proceedings of the Select Committee on the Burials Bill (1862) - - - - - - - - p. 1

220. Report from the Select Committee on Burials Bill; with the Proceedings of the Committee - - - - - - - - 7

CORRUPT PRACTICES:

302. Report from the Select Committee on Corrupt Practices; with the Proceedings of the Committee - - - - - - - 17

FELONY BILL:

183. Report from the Select Committee on Felony Bill; with the Proceedings of the Committee - - - - - - - - 25

HOUSE OF COMMONS (KITCHEN AND REFRESHMENT ROOMS):

395. Report from the Select Committee on the Kitchen and Refreshment Rooms (House of Commons) - - - - - - - 33

HOUSES OF PARLIAMENT (NEW REFRESHMENT ROOMS):

257. Report from the Select Committee on Houses of Parliament (New Refreshment Rooms); together with the Proceedings of the Committee, Minutes of Evidence, and Appendix - - - 37

JURIES BILL:

306. Report from the Select Committee on the Juries Bill; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - - - - - - - 61

OFFICE OF THE CLERK OF THE PARLIAMENTS, AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD:

318. Second Report from the Select Committee on the Office of the Clerk of the Parliaments, and Office of the Gentleman Usher of the Black Rod - - - - - - - - - - - - 123

342. Third Report - - - - - - - - - - - - 129

PARLIAMENTARY AND MUNICIPAL ELECTIONS:

115. Report from the Select Committee on Parliamentary and Municipal Elections; with the Proceedings of the Committee, and an Appendix - - - - - - - - - - p. 131

PRIVATE BILLS:

81. First Report from the Committee of Selection relative to the Grouping of Private Bills - - - - - - - - - 157

81–I. Second Report - - - - - - - - - - 159

81–II. Third Report - - - - - - - - - - 163

81–III. Fourth Report - - - - - - - - - 165

81–IV. Fifth Report - - - - - - - - - - 167

PUBLIC INSTITUTIONS:

0.54. Reprint of the Report from the Select Committee on Public Institutions (1860) - - - - - - - - - - 169

RAILWAY AND CANAL BILLS:

87. First Report from the General Committee on Railway and Canal Bills - - - - - - - - - - - 175

87–I. Second Report - - - - - - - - - 179

87–II. Third Report - - - - - - - - - - 181

87–III. Fourth Report - - - - - - - - - 183

87–IV. Fifth Report - - - - - - - - - - 185

87–V. Sixth Report - - - - - - - - - - 187

87–VI. Seventh Report - - - - - - - - - 189

REGISTRATION OF VOTERS IN COUNTIES (ENGLAND AND WALES):

360. Report from the Select Committee on Registration of Voters in Counties (England and Wales); together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - 191

SALMON FISHERIES:

368. Report from the Select Committee on Salmon Fisheries; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - - - - 371

MINUTES OF PROCEEDINGS

OF THE

SELECT COMMITTEE

ON THE

BURIALS BILL.

Ordered, by The House of Commons, *to be Printed,*
3 *June* 1862.
And to be Reprinted, 28 *March* 1870.

0.61.
306 of 1862.

Veneris, 2° *die Maii*, 1862.

Ordered, THAT the Burials Bill be committed to a Select Committee.

Lunæ, 12° *die Maii*, 1862.

Committee nominated of,—

Sir Morton Peto.	Mr. Pease.
Mr. Chancellor of the Exchequer (Mr. Gladstone).	Lord Robert Cecil.
	Lord Henley.
Mr. Sotheron Estcourt.	Mr. Hubbard.
Mr. Serjeant Pigott.	Mr. Hardcastle.
Sir William Heathcote.	Mr. Collins.
Mr. Henry Austin Bruce.	Mr. Tite.
Mr. Macaulay.	Mr. Longfield.

Ordered, THAT Five be the Quorum of the Committee.

Martis, 3° *die Junii*, 1862.

Ordered, THAT the Committee have power to report the Minutes of their Proceedings to The House.

PROCEEDINGS OF THE COMMITTEE.

Mercurii, 14° *die Maii*, 1862.

MEMBERS PRESENT:

Sir Morton Peto.	Lord Robert Cecil.
Mr. Tite.	Mr. Hardcastle.
Lord Henley.	Mr. Longfield.

Sir MORTON PETO was called to the Chair.

[Adjourned *sine die*.

Martis, 20° *die Maii*, 1862.

MEMBERS PRESENT:

Sir MORTON PETO, in the Chair:

Mr. Longfield.	Mr. Macaulay.
Mr. Austin Bruce.	Mr. Serjeant Pigott.
Mr. Pease.	Lord Henley.
Mr. Hardcastle.	Mr. Chancellor of the Exchequer (Mr. Gladstone).
Mr. Sotheron Estcourt.	Lord R. Cecil.
Sir W. Heathcote.	Mr. Tite.
Mr. Hubbard.	
Mr. Collins.	

The Preamble was postponed.

[Adjourned to Tuesday, 27th May, at One o'clock.

Martis, 27° *die Maii*, 1862.

MEMBERS PRESENT:

Sir MORTON PETO, in the Chair.

Mr. Pease.	Mr. Hubbard.
Mr. Longfield.	Sir W. Heathcote.
Mr. Austin Bruce.	Mr. Collins.
Mr. Serjeant Pigott.	Lord R. Cecil.
Lord Henley.	Mr. Hardcastle.
Mr. Chancellor of the Exchequer (Mr. Gladstone).	Mr. Macaulay.
Mr. Estcourt.	Mr. Tite.

The Committee deliberated.

[Adjourned to Tuesday, 3rd June, at One o'clock.

Martis, 3° *die Junii*, 1862.

MEMBERS PRESENT:

Sir MORTON PETO, in the Chair.

Mr. Pease.	Mr. Longfield.
Mr. Austin Bruce.	Lord R. Cecil.
Lord Henley.	Mr. Hubbard.
Mr. Collins.	Sir W. Heathcote.
Mr. Macaulay.	Mr. Sotheron Estcourt.
Mr. Hardcastle.	Mr. Chancellor of the Exchequer (Mr. Gladstone).
Mr. Serjeant Pigott.	

The Committee proceeded to the consideration of the Bill.

The Preamble was postponed.

Clause 1, read 1°, 2°, amended, and agreed to.

Clauses 2, 3, 4, and 5, read, and disagreed to.

Manuscript Clause (A.), "Officiating minister may grant permission to minister not of the Church of England to perform service," brought up, read 1°, 2°.

Amendment proposed (Mr. *Gladstone*), at the end of the clause to add the following proviso: "Provided further, that the applicant shall have obtained, and shall forward, together with such application, a certificate from one at least of the nearest magistrates, stating that, in his judgment, the funeral, if it take place as proposed, is not likely to cause public offence or danger to the peace."—Amendment proposed (Lord *Henley*) to the proposed amendment, to leave out all the words from the word "That," first line, in order to add these words: "the clergyman may require from the applicants a certificate under the hand of some magistrate residing in the petty sessional district in which the burial ground is situated, that no breach of the peace is to be apprehended at such burial service."

Question put, "That the words proposed to be left out stand part of the proposed amendment:"—The Committee divided:

Ayes, 6.	Noes, 7.
Mr. Chancellor of the Exchequer (Mr. Gladstone).	Mr. Hardcastle.
Mr. Collins.	Mr. Pease.
Sir W. Heathcote.	Mr. Austin Bruce.
Lord R. Cecil.	Mr. Serjeant Pigott.
Mr. Macaulay.	Mr. Longfield.
Mr. Hubbard.	Lord Henley.
	Mr. Estcourt.

Question put, That after the words, "Provided further, that" these words be added: "the clergyman may require from the applicants a certificate under the hand of some magistrate residing in the petty sessional district in which the burial ground is situated, that no breach of the peace is to be apprehended at such burial service."—The Committee divided:

Ayes, 2.	Noes, 11.
Lord Henley.	Mr. Hardcastle.
Mr. Estcourt.	Mr. Pease.
	Mr. Bruce.
	Mr. Serjeant Pigott.
	Mr. Longfield.
	Mr. Chancellor of the Exchequer (Mr. Gladstone).
	Mr. Collins.
	Sir W. Heathcote.
	Lord R. Cecil.
	Mr. Macaulay.
	Mr. Hubbard.

Question put, "That the clause be added to the Bill:"—The Committee divided:

Ayes, 7.	Noes, 6.
Mr. Hardcastle.	Mr. Chancellor of the Exchequer (Mr. Gladstone).
Mr. Pease.	Mr. Collins.
Mr. Bruce.	Sir W. Heathcote.
Mr. Pigott.	Lord R. Cecil.
Mr. Longfield.	Mr. Macaulay.
Lord Henley.	Mr. Hubbard.
Mr. Estcourt.	

Clause added to the Bill.

Manuscript

Manuscript Clause (B.), "Mode of giving permission," &c., brought up, read 1°, 2°, and added to the Bill.

Manuscript Clause (C.), "In any case in which permission has been given under this Act, the said minister shall not be liable to any censure or penalties, ecclesiastical or civil, for not using the service of the Church of England," brought up, read 1°, 2°.

Amendment proposed (Mr. *Gladstone*), after the word "been," to insert the words "asked or."—Question put, "That those words be there inserted:"—The Committee divided:

Ayes, 8.	Noes, 5.
Mr. Pigott.	Mr. Hardcastle.
Lord Robert Cecil.	Mr. Pease.
Mr. Longfield.	Mr. Bruce.
Mr. Hubbard.	Lord Henley.
Mr. Chancellor of the Exchequer (Mr. Gladstone).	Mr. Macaulay.
Mr. Estcourt.	
Mr. Collins.	
Sir W. Heathcote.	

Clause, as amended, added to the Bill.

Clause (D.) brought up, read 1°, 2°, and added to the Bill.

Clause (E.) brought up, and read 1° and 2°, as follows:—"So far as regards any permission to use any burial service other than that of the Church of England, this Act shall not extend to any parish in England or Wales for which a cemetery shall have been provided under any of the Acts of Parliament passed for the providing of public cemeteries containing both consecrated and unconsecrated ground."

Amendment proposed (Mr. *Gladstone*), to leave out the words from the words "extend to," to the words "public cemeteries," in order to insert these words: "the consecrated part of any."—Question put, "That the words proposed to be left out stand part of the Clause:"—The Committee divided:

Ayes, 5.	Noes, 7.
Mr. Estcourt.	Mr. Hardcastle.
Mr. Collins.	Mr. Pease.
Sir W. Heathcote.	Mr. Bruce.
Lord R. Cecil.	Mr. Pigott.
Mr. Hubbard.	Mr. Longfield.
	Lord Henley.
	Mr. Chancellor of the Exchequer (Mr. Gladstone).

Proposed words inserted. Further amendment made.

Clause, as amended, added to the Bill.

The Preamble was read.—Amendment proposed (Mr. *Gladstone*), to leave out all the words after the word "expedient," in order to add these words: "To amend the laws relating to Burials in England and Wales in certain cases."—Question, "That the words proposed to be left out stand part of the Preamble," put, and negatived.

Proposed words added.

Preamble, as amended, agreed to.

Ordered, That the Bill, as amended, be reported to The House.

MINUTES OF PROCEEDINGS

OF THE

SELECT COMMITTEE

ON THE

BURIALS BILL.

Ordered, by The House of Commons, *to be Printed,*
3 *June* 1862.
And to be Reprinted, 28 *March* 1870.

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Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

BURIALS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
10 *May* 1870.

Wednesday, 23*rd March* 1870.

Ordered, THAT the Burials Bill be read a second time, and committed to a Select Committee.

Friday, 25*th March* 1870.

Select Committee nominated :—

Mr. Secretary Bruce.	Mr. Collins.
Mr. Osborne Morgan.	Mr. Cross.
Mr. Mowbray.	Mr. Hardcastle.
Mr. Miall.	Earl Percy.
Mr. John Talbot.	Sir John Simeon.
Mr. Richard.	Mr. Cubitt.
Mr. Beresford Hope.	Mr. Morley.
Mr. Stone.	

Ordered, THAT Five be the Quorum of the Committee.

Tuesday, 26*th April* 1870.

Ordered, THAT Sir John Simeon be discharged from further attendance on the Committee ; and that Mr. Cogan be added thereto.

REPORT - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

REPORT.

THE SELECT COMMITTEE to whom the BURIALS BILL was referred have gone through the Bill, and made Amendments thereunto.

10 *May* 1870.

PROCEEDINGS OF THE COMMITTEE.

Monday, 28th March 1870.

MEMBERS PRESENT:

Mr. Secretary Bruce.	Mr. John Talbot.
Mr. Beresford Hope.	Mr. Collins.
Mr. Mowbray.	Mr. Osborne Morgan.
Mr. Cubitt.	

Mr. Secretary *Bruce* was called to the Chair.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 1st April 1870.

MEMBERS PRESENT:

Mr. Secretary BRUCE, in the Chair.

Mr. Collins.	Mr. Miall.
Mr. Cross.	Mr. Richard.
Mr. Mowbray.	Mr. Hardcastle.
Mr. Beresford Hope.	Sir John Simeon.
Mr. J. G. Talbot.	Mr. Cubitt.
Mr. Morley.	Mr. Stone.
Mr. Osborne Morgan.	Earl Percy.

The Committee deliberated.

Motion made, and Question, "That permission be granted, with such safeguards as may be thought advisable, for the interment, without any burial service, of persons already entitled to burial in any churchyard"—(Mr. *Beresford Hope*)—put, and *agreed to.*

Motion made, and Question put, "That permission be granted, with such safeguards and restrictions as may be thought advisable, for the interment of persons already entitled to interment in churchyards, with any religious service other than the service permitted by law for the burial of the dead, according to the rights of the Church of England"—(Mr. *Osborne Morgan*).—The Committee divided:—

Ayes, 8.	Noes, 6.
Mr. Osborne Morgan.	Mr. Mowbray.
Mr. Miall.	Mr. J. Talbot.
Mr. Richard.	Mr. Beresford Hope.
Mr. Stone.	Mr. Cross.
Mr. Collins.	Earl Percy.
Mr. Hardcastle.	Mr. Cubitt.
Sir John Simeon.	
Mr. Morley.	

Motion made, and Question proposed, "That such permission be given, subject to the following conditions or restrictions:—

"1stly. Subject to due notice in writing being given to the incumbent, or his representative.

"2ndly. That the incumbent have the right, subject to due notice and reasonable conditions, to vary the time of interment.

"3rdly. That the religious service mentioned in the second resolution shall be conducted in a decent and solemn manner."—(Mr. *Osborne Morgan*).

Amendment

Amendment proposed to add the words "4thly. That the notice aforesaid shall state that the deceased was not a member of the Church of England"—(Mr. *Mowbray*)—at the end of the Question—Question put, That those words be there added—The Committee divided:—

Ayes, 7.	Noes, 7.
Mr. Mowbray.	Mr. Osborne Morgan.
Mr. J. Talbot.	Mr. Miall.
Mr. Beresford Hope.	Mr. Richard.
Mr. Collins.	Mr. Stone.
Mr. Cross.	Mr. Hardcastle.
Earl Percy.	Sir John Simeon.
Mr. Cubitt.	Mr. Morley.

Whereupon the Chairman declared himself with the Noes.

Another amendment proposed to add the words "4thly. That the notice aforesaid shall state to what, if any, religious denomination the deceased belonged"—(Mr. *Mowbray*)—at the end of the Question—Question put, That those words be there added—The Committee divided:—

Ayes, 6.	Noes, 6.
Mr. Mowbray.	Mr. Osborne Morgan.
Mr. J. Talbot.	Mr. Miall.
Mr. Beresford Hope.	Mr. Richard.
Mr. Collins.	Mr. Stone.
Earl Percy.	Mr. Hardcastle.
Mr. Cubitt.	Sir John Simeon.

Whereupon the Chairman declared himself with the Noes.

Another amendment proposed to add the words "4thly. That the aforesaid notice shall state the name of the minister, or other person, who is proposed to officiate at such burial, subject to reasonable variation of, or addition to the minister, or the person named in such notice"—(Mr. *Mowbray*)—at the end of the Question—Question, That those words be there added—put, and *agreed to.*

Another amendment proposed to add the words, "That such notice shall also state the description of service which is intended to be used at such burial"—(Mr. *Mowbray*).—at the end of the Question—Question proposed, That those words be there added—Amendment, by leave, *withdrawn.*

Another amendment proposed to add the words, "That such service, if not according to a published ritual, shall consist only of prayer, hymns, or extracts from Holy Scripture"—(Mr. *Mowbray*).—at the end of the Question—Question proposed, That those words be there added—Whereupon amendment proposed to the proposed amendment by inserting after the word "hymns," the words, "religious exhortation"—(Mr. *Stone*).—Question put, "That those words be there inserted."—The Committee divided:—

Ayes, 5.	Noes, 9.
Mr. Osborne Morgan.	Mr. Mowbray.
Mr. Stone.	Mr. Miall.
Mr. Hardcastle.	Mr. J. Talbot.
Sir John Simeon.	Mr. Richard.
Mr. Morley.	Mr. Beresford Hope.
	Mr. Collins.
	Mr. Cross.
	Earl Percy.
	Mr. Cubitt.

Question put, that the words "That such service, if not according to a published ritual, shall consist only of prayer, hymns, or extracts from Holy Scripture," be added at the end of the Question.—The Committee divided:—

Ayes, 7.	Noes, 7.
Mr. Mowbray.	Mr. Osborne Morgan
Mr. J. Talbot.	Mr. Miall.
Mr. Beresford Hope.	Mr. Richard.
Mr. Collins.	Mr. Stone.
Mr. Cross.	Mr. Hardcastle.
Earl Percy.	Sir John Simeon.
Mr. Cubitt.	Mr. Morley.

Whereupon the Chairman declared himself with the Noes.

Main question as amended put, and *agreed to.*

Resolved, "That such permission be given, subject to the following conditions or restrictions:

1stly. Subject to due notice in writing being given to the incumbent or his representative.

2ndly. That that incumbent have the right, subject to due notice and reasonable conditions, to vary the time of interment.

3rdly. That the religious service mentioned in the second Resolution shall be conducted in a decent and solemn manner.

4thly. That the aforesaid notice shall state the name of the minister or other person who is propesed to officiate at such burial, subject to reasonable variation of, or addition to, the minister or the person named in such notice.

Motion made, and Question, "That this Bill shall not extend to any parish or place in England or Wales for which a cemetery shall have been or shall be provided under any of the Acts of Parliament passed for the providing of public cemeteries containing both consecrated and unconsecrated ground: Provided always, that this shall not be construed to exclude the burial of any person whose husband or wife, parent or child, brother or sister, shall have been interred in a churchyard, or who shall have any private vault or grave therein"—(Mr. *Collins*)—put, and *agreed to*.

Motion made, and Question proposed, "That all churchyards wholly provided by private donations and attached to new churches erected in newly-formed districts during the last 50 years be exempted from the operation of this Act"—(Mr. *Mowbray*).

[Adjourned till Monday, 11th April, at Twelve o'clock.

Monday, 11th April 1870.

MEMBERS PRESENT:

Mr. Secretary BRUCE, in the Chair.

Mr. Cross.	Mr. Osborne Morgan.
Mr. Cubitt.	Mr. Mowbray.
Mr. Beresford Hope.	Earl Percy.
Mr. Miall.	Mr. Morley.
Mr. Richard.	Mr. Hardcastle.

The Committee deliberated.

[Adjourned till Thursday, 28th April, at Twelve o'clock.

Thursday, 28th April 1870.

MEMBERS PRESENT:

Mr. Secretary BRUCE, in the Chair.

Mr. Collins.	Mr. J. Talbot.
Earl Percy.	Mr. Cubitt.
Mr. Cross.	Mr. Stone.
Mr. Miall.	Mr. Mowbray.
Mr. Cogan.	Mr. Richard.
Mr. Osborne Morgan.	Mr. Morley.
Mr. Beresford Hope.	Mr. Hardcastle.

Question again proposed, "That all churchyards wholly provided by private donations and attached to new churches erected in newly-formed districts during the last 50 years be exempted from the operation of this Act."—The Committee deliberated,—Motion by leave—*withdrawn*.

Motion made, and Question proposed, "That this Act shall not extend to any churchyard attached to new churches erected in newly-formed districts during the last 50 years, and provided by private donations, wherever the donors or their immediate representatives, by any writing under their hands executed within three years after the passing of this Act, signify their desire that such churchyard shall be exempted from the operation of this Act, provided that in the original parish or parishes out of which, or out of part or parts of which, such district was formed there be an existing churchyard or cemetery available for the purpose of burials under the Act"—(Mr. *Mowbray*).—Amendment proposed at the end of the Question to add the words "the foregoing arrangement shall not apply in any case where the parish churchyard or other cemetery is farther from the district churchyard than

than two miles"—(Mr. *Morley*).—Question put, that those words be there added.—The Committee divided:

Ayes, 7.	Noes, 7.
Mr. Osborne Morgan.	Mr. Mowbray.
Mr. Miall.	Mr. J. Talbot.
Mr. Richard.	Mr. Beresford Hope.
Mr. Stone.	Mr. Collins.
Mr. Hardcastle.	Mr. Cross.
Mr. Morley.	Earl Percy.
Mr. Cogan.	Mr. Cubitt.

Whereupon the Chairman declared himself with the Ayes.

Main Question, as amended, put.—The Committee divided:

Ayes, 11.	Noes, 3.
Mr. Mowbray.	Mr. Osborne Morgan
Mr. Miall.	Mr. Richard.
Mr. J. Talbot.	Mr. Hardcastle.
Mr. Beresford Hope.	
Mr. Stone.	
Mr. Collins.	
Mr. Cross.	
Earl Percy.	
Mr. Cubitt.	
Mr. Morley.	
Mr. Cogan.	

Resolved, "That this Act shall not extend to any churchyard attached to new churches erected in newly-formed districts during the last 50 years and provided by private donations, wherever the donors or their immediate representatives, by any writing under their hands executed within three years after the passing of this Act, signify their desire that such churchyard shall be exempted from the operation of this Act; provided that in the original parish or parishes out of which, or out of part or parts of which, such district was formed, there be an existing churchyard or cemetery available for the purpose of burials under this Act; the foregoing arrangement shall not apply in any case where the parish churchyard or other cemetery is farther from the district churchyard than two miles."

Motion made, and Question put, "That this Bill shall not extend to the churchyard of any parish in which a graveyard, consisting wholly or in part of unconsecrated ground, shall be provided by private benefaction, and adopted as hereafter mentioned, with the approbation of the Secretary of State as to fitness and extent for all persons entitled to be buried in such parish or district churchyard: Provided always, that this shall not be construed to exclude the burial of any person whose husband or wife, parent or child, brother or sister, shall have been interred in a churchyard, or who shall have any private vault or grave therein"—(Mr. *Beresford Hope*).—The Committee divided:

Ayes, 10.	Noes, 4.
Mr. Osborne Morgan.	Mr. Miall.
Mr. Mowbray.	Mr. Richard.
Mr. J. Talbot.	Mr. Hardcastle.
Mr. Beresford Hope.	Mr. Cogan.
Mr. Stone.	
Mr. Collins.	
Mr. Cross.	
Earl Percy.	
Mr. Cubitt.	
Mr. Morley.	

Motion made, and Question, "That it shall be lawful for the parish or ecclesiastical district, in vestry assembled, to accept of land as such graveyard, and the same shall be vested in the overseers of the parish in which such land is situated"—(Mr. *Beresford Hope*)—put, and *agreed to*.

Motion made, and Question proposed, "That the repair of such graveyard may be charged to the poor rate of the parish in which such graveyard is situate"—(Mr. *Beresford Hope*).—The Committee deliberated—Motion by leave—*withdrawn*.

Motion made, and Question, "That the vestry be empowered to charge such fees for the interment of any person in any such graveyard, as the Secretary of State may approve, and that such fees shall form a fund towards keeping the same in proper repair"—(Mr. *Osborne Morgan*)—put, and *agreed to*.

Motion made, and Question, "That this Act shall not apply to any public cemetery, or to the consecrated part, if any, of any graveyard provided under this Act"—(Mr. *Collins*)—put, and *agreed to*.

Motion made, and Question, "That the incumbent of the parish shall, in the consecrated portion, if any, of such graveyard, have the same authority as to the control of graves and tombstones as he possesses in existing churchyards, and the vestry shall have the like authority in the unconsecrated portion"—(Mr. *Beresford Hope*)—put, and *agreed to*.

Motion made, and Question, "That the religious services authorised under this Act be interpreted to mean services performed by the minister or member of some religious body having a registered place for public worship"—(Mr. *Cubitt*)—put, and *agreed to.*

Motion made, and Question proposed, "The Act shall not apply to burial grounds given and consecrated, after the passing of this Act, for the express purpose of having the burial service performed according to the rites of the Church of England"—(Mr. *Cross*). —The Committee deliberated—Motion, by leave, *withdrawn.*

Motion made, and Question put, "That this Act shall not apply to burial grounds, consecrated or unconsecrated, given, after the passing of this Act, for the express purpose of having the burial service performed therein according to the rites of the Church of England, the Church of Rome, or any other denomination"—(Mr. *Morley*).—The Committee divided:

Ayes, 10.	Noes, 3.
Mr. Mowbray.	Mr. Osborne Morgan.
Mr. Miall.	Mr. Richard.
Mr. J. Talbot.	Mr. Hardcastle.
Mr. Beresford Hope.	
Mr. Stone.	
Mr. Collins.	
Mr. Cross.	
Earl Percy.	
Mr. Cubitt.	
Mr. Morley.	

Motion made, and Question, "That in any case in which notice has been given under this Act, the minister shall not be liable to any censure or penalties, ecclesiastical or civil, for not using the service of the Church of England"—(Mr. *Collins*)—put, and *agreed to.*

[Adjourned till Monday next, at Twelve o'clock.

Monday, 9th May 1870.

MEMBERS PRESENT:

Mr. Secretary BRUCE, in the Chair.

Mr. Mowbray.	Mr. Beresford Hope.
Mr. Miall.	Mr. Stone.
Mr. Osborne Morgan.	Mr. Morley.
Mr. Richard.	Mr. Cogan.
Earl Percy.	Mr. Cross.
Mr. Cubitt.	Mr. Hardcastle.
Mr. J. Talbot.	

Preamble *postponed.*

Clause 1.—Amendment proposed, line 9 to fill up the blank with the words "twenty-four."—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 6.
Mr. Osborne Morgan.	Mr. Mowbray.
Mr. Miall.	Mr. J. Talbot.
Mr. Richard.	Mr. Beresford Hope.
Mr. Stone.	Mr. Cross.
Mr. Hardcastle.	Earl Percy.
Mr. Morley.	Mr. Cubitt.
Mr. Cogan.	

Other Amendments made.—Clause, as amended, *agreed to.*

Clauses 2—7, amended and *agreed to.*

Clause 8, *disagreed to.*

Clauses 9 and 10, *agreed to.*

Several new clauses *added.*

Schedules *agreed to.*

Preamble *agreed to.*

Ordered, to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

BURIALS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
10 *May* 1870.

220.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

CORRUPT PRACTICES;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1870.

302.

Monday, 11*th April* 1870.

Ordered, THAT a Select Committee be appointed to inquire into the state of the law affecting such persons as have been reported guilty of Corrupt Practices by any Commission issued in accordance with the Acts 15 & 16 Vict. c. 57, and 31 & 32 Vict. c. 125, and who are now Members of this House, and to recommend what Proceedings, if any, should be taken by this House with respect to such Members, and what alteration, if any, should be made in the Law.

Tuesday, 3*rd May* 1870.

Committee nominated of—

Sir George Grey.	Mr. Russell Gurney.
Mr. Disraeli.	Mr. Bouverie.
Sir Roundell Palmer.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Thursday, 23*rd June* 1870.

Ordered, THAT the Committee have power to report their Observations to the House.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - - p. vii

REPORT.

THE SELECT COMMITTEE appointed to inquire into the State of the Law affecting such PERSONS as have been reported Guilty of CORRUPT PRACTICES by any Commission issued in accordance with the Acts 15 & 16 Vict. c. 57, and 31 & 32 Vict. c. 125, and who are now MEMBERS of this HOUSE, and to recommend what Proceedings, if any, should be taken by this House, with respect to such Members, and what alteration, if any, should be made in the Law;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

SEVERAL persons, now Members of this House, have at various times, extending in some cases as far back as 17 years, been reported guilty of corrupt practices, by Commissions appointed in accordance with the Acts 15 & 16 Vict. c. 57, and 31 & 32 Vict. c. 125.

Each of these persons was reported guilty of corrupt practices as a candidate.

One of these persons was, in addition, reported guilty of corrupt practices when not a candidate.

In all these cases the persons so reported against received certificates of indemnity from the Commissioners; in consequence of which no proceedings by way of information, indictment, or action could be taken against any of them. Some of them, after the Reports in question, sat as Members in several Parliaments before the present Parliament; but the House took no step in consequence of those Reports. 26 & 27 Vict. c. 29, s. 7.

Your Committee have inquired into the state of the Law as affecting these persons respectively, and they find that the only legislation which bears upon this subject is contained in the 43rd and 45th sections of the Act 31 & 32 Vict. c. 125, passed 15 years after the date of the earlier Reports to which we have referred. Of these two sections, the 43rd relates only to a "candidate" at an election, with respect to whom it is found, by the Report of the Judge upon an Election Petition under the Act, that bribery has been committed by or with his knowledge or consent at (or so as to affect) such election; while the 45th relates only to "any person, other than a candidate, found guilty of bribery in "any proceeding in which, after notice of the charge, he has had an opportunity "of being heard"; the penalties imposed by both clauses being the same, viz.: incapacity to be elected or sit in Parliament during the seven years next after the time of being found guilty; incapacity, during a like period, to be registered as a voter, or vote at any election; and incapacity, during a like period, to hold certain offices, including any municipal or judicial office.

So far as relates to the Members of this House reported by Commissioners as having been guilty of corrupt practices as candidates at elections, it is clear that they are not brought under the penalties of the 43rd section, the fact not being found by the Report of a Judge upon an election petition; nor under those of the 45th section, which is directed only against persons not candidates. Before determining whether or not the disqualifications of the 45th section attach to the Member of this House who has been reported by a Commission to be guilty

of corrupt practices at an election at which he was not a candidate, it becomes necessary for your Committee to consider whether he has, after "notice of the charge," had an "opportunity of being heard."

An Election Commission is appointed, not to inquire into the conduct of any particular person or persons, but to ascertain generally the extent to which corrupt practices may have prevailed in a certain place. It follows, therefore, and it is the fact, that such persons as are called before the Commission are "heard" as witnesses, and not as persons defending themselves against a "charge." We do not understand it to be the ordinary course of procedure before such Commissions to give to each person who, upon the evidence of any witness examined, may appear, *primâ facie*, to have been cognisant of any act of bribery, notice that he is affected by such evidence, or that he is at liberty to attend the future proceedings of the Commission, for the purpose of defending himself against that imputation; and it is obvious that, if such a practice were adopted, many and grave inconveniences might follow. On the other hand, without such notice, evidence may be given in the absence of the person compromised by it; and even if given in his presence he has no opportunity of cross-examination, of calling witnesses in his defence, or of addressing any argument to the Commissioners, either personally or by counsel, on the law or the facts of the case. In the particular instance now under consideration, it does not appear that in this respect any other than the ordinary course was followed.

We have considered, in connection with this subject, the terms of the 44th section of the Act, which avoids the election of any candidate who shall have personally engaged at his election any canvasser or agent who, within seven years, may have been "*found guilty* of any corrupt practice by any competent legal tribunal," or "*reported guilty*" by a Committee of the House of Commons, or by the Report of a Judge on an Election Petition, or by the Report of Commissioners. The distinction here implied between a person "*found guilty*" by a competent tribunal, and a person "*reported guilty*" by Commissioners, &c., is, in our judgment, substantial, and not formal; and we think that the expression "*found guilty*," in the 45th section, ought to be understood as deliberately used, in accordance with that distinction.

It appears, therefore, to your Committee that, in the case before them, the person implicated having only appeared as a witness before an Election Commission, cannot be held to have had notice of a "charge," or to have had an "opportunity of being heard."

In taking this view of the Law, your Committee concur in the construction of the 45th section of the Act 31 & 32 Vict. c. 125, which appears to have been laid down by Mr. Justice Blackburn in his judgment in the second Bewdley case* 1869, who declined to strike off the vote of an elector who had been reported by his Lordship as having been bribed at the previous election, and so disqualified under the 45th section of the Election Petitions Act.† He is reported to have said: "The Report of the Judge is not a determination of the case, except incidentally. He has only to make a report, and it can hardly be said that that is the same as finding a man guilty; but I go further; the Act speaks of 'an opportunity of being heard;' and I think that does not merely mean that kind of opportunity which a witness has who is called up upon the spur of the moment, and who is subject to cross-examination; but it means an opportunity of being heard when he has had a fair warning of the charge, and is asked to meet it, and be heard by himself or his counsel."

* O'Malley and Hardcastle's Reports, vol. 1, page 176.

† 31 & 32 Vict. c. 125.

There is nothing in this opinion at variance with the provisions of the 43rd section, which disqualifies a candidate, upon the Report of a Judge, without any other trial. The office of the Judge is to try the validity of the particular election, at or so as to affect which, under that section, the bribery must have been committed in order to produce the disqualification; and the candidate, if bribery is imputed to him, must have had notice of it by the Petition, or by the proceedings thereon, and must have had a full opportunity of defending himself, and examining and cross-examining witnesses in refutation of the charge.

Such reasons as those given by Mr. Justice Blackburn appear to your Committee to apply, with even greater force, to the Reports of Election Commissions,

sions, whose proceedings are of a character less judicial and authoritative than those of an Election Judge.

Our conclusion, therefore, with respect to all the Members of this House who have been reported guilty of corrupt practices by such Commissions is, that none of them are now legally disqualified from sitting in this House; and that such Reports cannot be regarded as judicial decisions, affecting the status of those persons. Nor is it possible, that even had they not received certificates, any legal proceedings can now be taken against any of those members, by the result of which their guilt or innocence, with respect to the corrupt practices imputed to them, might be established. By the Act 17 & 18 Vict. c. 102, s. 14 (a temporary Act, but continued by subsequent statutes), every prosecution for corrupt practices of this nature must be commenced within the space of one year next after the commission of the offence; and, in all these cases, that period (assuming there to have been originally ground for a prosecution) has long since expired.

It remains to consider whether any proceedings can and ought to be taken against any of the Members in question, by the inherent authority of this House. We have examined such precedents as exist of proceedings of that nature, which are few in number, and of ancient date. In 1700 four Members were expelled from the House for corrupt practices at several elections to the Parliament then sitting; and another somewhat similar case, arising out of a corrupt compromise of an Election Petition, occurred in 1724. We do not find that the House has ever exercised this species of authority, upon the ground of any allegation of corrupt practice at an election to any Parliament except that actually sitting; and, since 1724, it does not appear to have been exercised at all. None of the Members to whom the present inquiry relates are alleged to have been guilty of any corrupt practice in connection with any election to the present Parliament; and, as we have already stated, some of them have sat without question as Members in more than one former Parliament since the Reports of the Commissions affecting them were made.

Under these circumstances, and considering that Parliament has thought fit to define the course to be adopted in such cases by express legislation,—we are unable to recommend that any proceeding should be taken by the House against any of these Members.

We now proceed to the examination of the question, whether any alteration ought to be made in the law.

We do not think it would be desirable, either to give to the Reports of Commissioners, conducting their inquiries in the manner hitherto practised, the effect of judicial sentences, attended with statutory disqualifications, against persons reported guilty of bribery; or, to introduce such changes in the character of, and the manner of, conducting those inquiries, as would arm the Commissioners with legal authority to try the guilt or innocence of such persons, upon charges regularly made against them, with proper notice, and with all necessary means of answer and defence. The former course would involve grave departure from the principles hitherto recognised essential to the due administration of justice, and might in practice inflict serious wrong on individuals, who, with the usual opportunities of defence, might have been able to establish their innocence. The latter course would complicate and prolong, by a multitude of new personal issues, inquiries which experience has already proved to be sufficiently intricate and prolix; and it could hardly be reconciled with the continued use of those inquisitorial powers, guarded by certificates of indemnity, without which the primary object of these Commissions, viz., bringing to light extensive corruption in Parliamentary constituencies where it exists, might probably not be attainable. It could scarcely be satisfactory that the exercise of so important and highly penal a jurisdiction should be confided to any persons less experienced in the administration of justice than the ordinary Judges of the land.

While, however, we are not prepared to recommend a change of the law in either of these directions, we are of opinion that the present state of the law is far from satisfactory.

In the first place, it appears to us that there is no good reason for the distinction between those who are, and those who are not, candidates at an election, which is to be found in the 43rd and 45th sections of 31 & 32 Vict. c. 125. Candidates, under the 43rd section, are liable to be disqualified only for such bribery as, upon the trial of an Election Petition under the Act, may affect the election then in controversy; and even such bribery will only disqualify, if it is established at the trial by the Report of the Judge. A conviction upon a criminal prosecution in a court of law, for bribery as a candidate at any election whatever, would not disqualify, though, if the offender had not been a candidate, he would have been disqualified, upon such conviction, under the 45th section.

We think it clear that this distinction ought not to continue. We, therefore, recommend the amendment of the 45th section, by omitting the words "other than a candidate," and describing in definite terms the legal proceedings in which the person accused shall be found guilty.

We also recommend that the 14th section of the Act 17 & 18 Vict. c. 102, should be amended, so as to enable a prosecution for corrupt practices (in any case in which lapse of time is not already, before the change of the law, a conclusive bar) to be commenced, not only within one year after the commission of the offence, but also within three months after the alleged offender shall have been reported guilty by any Judge upon an Election Petition, under 31 & 32 Vict. c. 125, or by any Commission issued in accordance with 15 & 16 Vict. c. 57, and 31 & 32 Vict. c. 125. In this manner the mischief arising from Reports of this nature, not being followed up by proceedings against the parties inculpated, may for the future be avoided, or at least materially diminished.

23 June 1870.

PROCEEDINGS OF THE COMMITTEE.

Monday, 9th May 1870.

MEMBERS PRESENT:

Sir George Grey.	Mr. Russell Gurney.
Mr. Disraeli.	Mr. Bouverie.
Sir Roundell Palmer.	

Mr. Disraeli was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at One o'clock.

Monday, 16th May 1870.

MEMBERS PRESENT:

Mr. Disraeli in the Chair.

Sir George Grey.	Mr. Russell Gurney.
Sir Roundell Palmer.	Mr. Bouverie.

The Committee deliberated.

[Adjourned till Thursday, 23rd June, at half-past One o'clock.

Thursday, 23rd June 1870.

MEMBERS PRESENT:

Mr. Disraeli in the Chair.

Sir George Grey.	Mr. Russell Gurney.
Sir Roundell Palmer.	Mr. Bouverie.

Draft Report read the 1st and 2nd time—amended, *and agreed to.*

Ordered, to Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

CORRUPT PRACTICES;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
23 *June* 1870.

302.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

FELONY BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
25 *April* 1870.

Wednesday, 30*th March* 1870.

Ordered, THAT the Felony Bill be committed to a Select Committee.

Monday, 4*th April* 1870.

Committee nominated—

Mr. Charles Forster.	Mr. West.
Sir Roundell Palmer.	Mr. Leigh Pemberton.
Sir Colman O'Loghlen.	Mr. Amphlett.
Mr. Gordon.	Mr. Goldney.
Mr. Osborne Morgan.	Mr. George Gregory.
Mr. Jessel.	

Ordered, THAT Five be the Quorum of the Committee.

Wednesday, 6*th April* 1870.

Ordered, THAT Mr. Solicitor General and Mr. Staveley Hill be added to the Committee.

REPORT - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - p. iv

REPORT.

THE SELECT COMMITTEE to whom the FELONY BILL was referred:—HAVE gone through the Bill, and made Amendments thereunto, and have amended the Title as followeth:—

A BILL to abolish Forfeitures for Treason and Felony, and to otherwise amend the Law relating thereto.

25 *April* 1870.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 7th April 1870.

MEMBERS PRESENT:

Mr. Forster.	Mr. Morgan.
Mr. Gordon.	Sir Roundell Palmer.
Mr. West.	Mr. Goldney.
Mr. Jessel.	Mr. Staveley Hill.
Mr. Amphlett.	Mr. Pemberton.

Mr. FORSTER was called to the Chair.

The Committee deliberated.

Preamble postponed.

Adjourned till Monday next, at Twelve o'clock.

Monday, 11th April 1870.

MEMBERS PRESENT:

Mr. FORSTER, in the Chair.

Mr. Jessel.	Mr. Solicitor General.
Sir Roundell Palmer.	Mr. Morgan.
Mr. Amphlett.	Sir Colman O'Loghlen.
Mr. Staveley Hill.	Mr. Goldney.
Mr. West.	

Clause 1. Amendment proposed, in line 1, to leave out from the word "no," to the end of the clause, in order to add the words, "confession, flight, verdict, inquest, outlawry, conviction, or judgment, of or for any treason or felony, shall cause any attainder or corruption of blood, or any forfeiture or escheat, by virtue of the common law, or of any statute or law heretofore made"—(Mr. *Jessel*)—instead thereof.—Question, That the words proposed to be left out stand part of the clause, put, and *negatived*.

Question proposed, That those words be there added.—Amendment proposed to the proposed Amendment, after the word "confession," to leave out the word "flight"—(Mr. *Amphlett*).—Question put, That the word "flight" stand part of the proposed Amendment.—The Committee divided:

Ayes, 3.	Noes, 5.
Mr. Jessel.	Mr. Amphlett.
Sir Colman O'Loghlen.	Mr. Staveley Hill.
Mr. Morgan.	Sir Roundell Palmer.
	Mr. Solicitor General.
	Mr. West.

Another Amendment proposed to the proposed Amendment, after the word "inquest," to leave out the word "outlawry"—(Mr. *Amphlett*).—Question put, That the word "outlawry" stand part of the proposed Amendment.—The Committee divided:

Ayes, 3.	Noes, 5.
Mr. Jessel.	Mr. Amphlett.
Sir Colman O'Loghlen.	Mr. Staveley Hill.
Mr. Morgan.	Sir Roundell Palmer.
	Mr. Solicitor General.
	Mr. West.

Further Amendments made.—Amendment, as amended, *agreed to*.

Another

Another Amendment proposed, after the last Amendment, to add the words, "provided always that nothing in this Act shall affect the law of forfeiture consequent upon outlawry" —(Mr. *Amphlett*).—Question, That those words be there added, put, and *agreed to.*

Clause, as amended, *agreed to.*

New Clause—("Conviction for treason or felony to be a disqualification for offices")—"Provided, nevertheless, that if any person hereafter convicted of treason or felony, for which he shall be sentenced to death or penal servitude, or any term of imprisonment exceeding 12 months, shall at the time of such conviction hold any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or any place, office, or emolument in any university, college, or other corporation, or shall be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable to such person, unless such person shall receive a free pardon from Her Majesty, or by Her Majesty's authority, which pardon, in the case of offices or benefices which may require to be filled up, shall be given within two months after such conviction, or before the filling up thereof; and until he shall have suffered the punishment to which he had been sentenced, or such other punishment as by competent legal authority may be substituted for the same, or shall receive a free pardon from Her Majesty, shall continue thenceforth incapable of holding any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or of being elected, or sitting, or voting as a Member of either House of Parliament, or of exercising any right of suffrage or other Parliamentary or Municipal franchise whatever within the United Kingdom"—(Mr. *Jessel*)—read the first and second time.

Amendment proposed, line 2, after word "imprisonment," to insert the words "with hard labour or"—(Mr. *Amphlett*).—Question put, That the words "with hard labour or," be there inserted.—The Committee divided:

Ayes, 4.	Noes, 4.
Mr. Amphlett.	Mr. Staveley Hill.
Sir Roundell Palmer.	Mr. Jessel.
Mr. Solicitor General.	Sir Colman O'Loghlen.
Mr. West.	Mr. Morgan.

Whereupon the Chairman declared himself with the Ayes.

Further Amendments made.

Clause, as amended, *agreed to*, and added to the Bill.

New Clause—("Persons convicted of treason or felony may be condemned in costs")—(Sir *Roundell Palmer*)—read the first and second time, amended, and added to the Bill.

New Clause—("Compensation to persons defrauded or injured by felony")—"It shall be lawful for any such Court as aforesaid, upon the application of any person aggrieved, and immediately after the conviction of any person for felony, to award such sum of money, by way of satisfaction or compensation for any loss of property or other injury suffered by any person through or by means of the said felony; and all claims to any such satisfaction or compensation may either be assessed by the Court itself, or by the direction of such Court, by any jury which shall have tried the person so convicted, and either before or after sentence shall have been passed, and the amount awarded for such satisfaction or compensation, together with, if the Court shall think fit, the costs incurred in and about the inquiry for ascertaining such amount, shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount, and of the said costs (if any) by the said Court, may be enforced in such and the same manner as the amount due on any judgment in a civil action recovered in a superior Court of law of competent jurisdiction may be enforced in the same part of Her Majesty's dominions"—(Mr. *Jessel*)—read the first and second time.—Amendments made.

Question proposed, That the clause, as amended, be added to the Bill.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 12*th April* 1870.

MEMBERS PRESENT:

Mr. FORSTER, in the Chair.

Sir Roundell Palmer.	Mr. Jessel.
Mr. Amphlett.	Mr. Gregory.
Mr. West.	Mr. Staveley Hill.

Question again proposed, That the clause (Compensation to persons defrauded or injured by felony) as amended, be added to the Bill.—Question put, and *negatived.*

New Clause—("Compensation to persons defrauded or injured by felony")—"It shall be lawful for any such Court as aforesaid, if it shall think fit, upon the application of any person aggrieved, and immediately after the conviction of any person for felony, to award any sum of money not exceeding 100 *l.* by way of satisfaction or compensation for any loss of property or other injury suffered by the applicant through or by means of the said felony; and the amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount may be enforced in such and the same manner as in the case of any costs ordered by the Court to be paid under the last preceding Section of this Act, the amount due on any judgment in a civil action recovered in a Court of competent jurisdiction may be enforced in the same part of the United Kingdom"—(Mr. *Jessel*)—read the first and second time; amended; and added to the Bill.

New Clause—(The word "Forfeiture" defined)—read the first and second time, and added to the Bill.

New Clause—(The word "Convict" defined)—read the first and second time, and added to the Bill.

New Clause—("Convict's property" defined)—"The expression 'Convict's property' as hereinafter used shall be deemed to apply to all real and personal property of or to which any convict at the time of his conviction shall or may be seised, possessed, or entitled, for any estate or interest, in possession, reversion, or remainder, at law or in equity, or of or to which such convict shall, at any time while he shall continue to be subject to the operation of this Act, be or become seised, possessed, or entitled for any such estate or interest as aforesaid, including any debts due or which may become due to such convict"—(Sir *Roundell Palmer*)—read a first and second time.—Question put, That this Clause be added to the Bill:—The Committee divided:

Ayes, 2.	Noes, 3.
Mr. Amphlett.	Mr. Gregory.
Mr. Jessel.	Mr. Staveley Hill.
	Mr. West.

Several new Clauses read the first and second time, and added to the Bill.

New Clause—("Administrators may make compensations out of property to persons defrauded by criminal acts of convict")—"The said administrator may cause to be paid or satisfied, out of such property or the proceeds thereof, such sum of money by way of satisfaction or compensation for any loss of property or other injury alleged to have been suffered by any person through or by means of any alleged criminal or fraudulent act of such convicted person, as to him shall seem just, although no proof of such alleged criminal and fraudulent act may have been made in any Court of law or equity; and all claims to any such satisfaction or compensation may be investigated in such manner as the said administrator shall from time to time think fit, and the decision of the said administrator thereon shall be binding upon the convict, and all persons claiming through or under him: Provided always, that nothing in this Act shall take away or prejudice any right, title, or remedy to which any person alleging himself to have suffered any such loss or injury would have been entitled by law if this Act had not passed"—(Sir *Roundell Palmer*)—read the first and second time.—Amendments made.

Another Amendment proposed, in line 3, after the words "property or," to leave out the words "other injury alleged to have been suffered by any person through or by means of any alleged criminal or fraudulent act of such convicted person"—(Mr. *Staveley Hill*).—Question put, "That the words proposed to be left out stand part of the Clause."—The Committee divided:

Ayes, 3.	Noes, 1.
Mr. Amphlett.	Mr. Staveley Hill.
Mr. Jessel.	
Sir Roundell Palmer.	

Another

Another Amendment proposed, in line 5, after the word "just," to leave out the words "although no proof of such alleged criminal or fraudulent act may have been made in any Court of law or equity"—(Mr. *Staveley Hill*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 3.	Noes, 1.
Mr. Amphlett.	Mr. Staveley Hill.
Mr. Jessel.	
Sir Roundell Palmer.	

Clause, as amended, *agreed to*, and added to the Bill.

Several new Clauses read the first and second time, and added to the Bill.

[Adjourned till Monday, 25th of April, at half-past Three o'clock.

Monday, 25*th April* 1870.

MEMBERS PRESENT:

Mr. FORSTER, in the Chair.

Mr. West.	Mr. Pemberton.
Mr. Staveley Hill.	Mr. Amphlett.

New Clause—("Property of convict lawfully at large not to be subject to the operation of this Act")—(Mr. *Amphlett*)—read the first and second time, and added to the Bill.

Preamble amended, and *agreed to*.

Title amended.

Ordered, to Report the Bill, as amended, to the House.

REPORT

FROM THE

SELECT COMMITTEE

ON

FELONY BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
25 *April* 1870.

183.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1870.

395.

Wednesday, 9th February 1870.

Ordered, THAT a Standing Committee be appointed to control the Arrangements of the Kitchen and Refreshment Rooms, in the Department of the Serjeant-at-Arms attending this House.

Committee nominated:—

Colonel French.	Mr. Fitzwilliam Dick.
Mr. Henry Edwards.	Mr. Alderman Lawrence.
Mr. Dalglish.	Mr. Goldney.
Mr. Onslow.	Captain Vivian.
Mr. Adam.	

Ordered, THAT Three be the Quorum of the Committee.

Friday, 29th July 1870.

Ordered, THAT the Committee have power to Report their Observations to The House.

REPORT.

THE SELECT COMMITTEE appointed to control the KITCHEN and REFRESHMENT ROOMS, House of Commons, in the Department of the SERJEANT-AT-ARMS attending the House;——HAVE agreed to the following REPORT:—

DURING the present Session, up to 23rd of July, 6,606 dinners and 4,912 luncheons have been served in the Refreshment Rooms.

Your Committee observe with great satisfaction that the proposed alterations for the better accommodation of Members are about to be carried out by next Session.

29 *July* 1870.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Ordered, by The House of Commons, *to be Printed*,
29 *July* 1870.

395. *Under* 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSES OF PARLIAMENT
(NEW REFRESHMENT ROOMS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
25 *May* 1870.

Thursday, 10*th March* 1870.

Ordered, That a Select Committee be appointed to consider Plans for New Refreshment and Dining Rooms for both Houses of Parliament.

Friday, 11*th March* 1870.

Select Committee nominated:—

Lord John Manners.	Mr. William Henry Smith.
Mr. Bouverie.	Colonel French.
Colonel Wilson Patten.	Mr. Ayrton.
Mr. Edwards.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Monday, 14*th March* 1870.

Ordered, That Mr. Headlam and Mr. Goldney be added to the Committee.

Wednesday, 18*th May* 1870.

Ordered, That the First Report of the Select Committee of the House of Lords on the office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod be referred to this Committee.

Wednesday, 25*th May* 1870.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - p. 7

REPORT.

THE SELECT COMMITTEE appointed to consider PLANS for NEW REFRESHMENT and DINING ROOMS for both HOUSES of PARLIAMENT; —HAVE considered the matters to them referred, and have agreed to the following REPORT.

YOUR Committee have considered a Plan and Estimate submitted to them by direction of the First Commissioner of Her Majesty's Works and Buildings, for the purpose of converting the present Tea Room and Conference Room into Refreshment Rooms for the Members of the House of Commons, instead of those now in use.

Your Committee have also considered the Report of the Select Committee of the House of Lords on this subject, referred to your Committee by the Order of The House; and they have had laid before them the Correspondence between the First Commissioner and the Chairman of the Lords' Committee, from which it appears that their Lordships' Committee recommend to their Lordships' House that the Conference Room should be given up to the exclusive use of the Commons for the purpose proposed, in the event of their Plans being agreed to; and your Committee have come to the conclusion that the Plan of the First Commissioner will afford the accommodation required by the House of Commons, with reasonable economy, if Her Majesty should be graciously pleased to authorise the same.

Your Committee have abstained from entering into any inquiry respecting arrangements for the House of Lords, as they consider that such arrangements should be made by their Lordships directly with Her Majesty's Government; but your Committee would observe, that if the House of Lords should be disposed to have the service of their Refreshment Rooms hereafter united with that of the House of Commons, they have reason to believe the Plan will afford the requisite facilities for so doing.

25 *May* 1870.

PROCEEDINGS OF THE COMMITTEE.

Monday, 21*st March* 1870.

MEMBERS PRESENT:

Colonel Wilson Patten.	Mr. Goldney.
Colonel French.	Mr. Headlam.
Mr. Edwards.	Mr. William Henry Smith.
Mr. Ayrton.	

Mr. Ayrton was called to the Chair.

[Adjourned till Wednesday next, at One o'clock.

Wednesday, 23*rd March* 1870.

MEMBERS PRESENT:

Mr. AYRTON, in the Chair.

Mr. William Henry Smith.	Colonel French.
Mr. Edwards.	Lord John Manners.
Mr. Bouverie.	Mr. Headlam.
Colonel Wilson Patten.	

Captain *Douglas Galton* and Mr. *John Taylor*, examined.

The Committee deliberated.

[Adjourned till Wednesday next, at One o'clock.

Wednesday, 6*th April* 1870.

MEMBERS PRESENT:

Mr. AYRTON, in the Chair.

Colonel French.	Mr. Edwards.
Colonel Wilson Patten.	Mr. William Henry Smith.
Lord John Manners.	Mr. Headlam.

The Committee deliberated.

The following letter from Mr. E. M. Barry, addressed to Lord John Manners, a Member of the Committee, was read:—

"My Lord, "21, Abingdon-street, 4 April 1870.

"A PARAGRAPH has been published in some journals which purports to be founded on evidence given before the Committee on New Dining Rooms, of which you are a member, and is to the effect that a plan is before the Committee to do, for 4,500 *l.*, the same thing which I stated would cost 24,000 *l.* As this statement is incorrect, and is calculated to prejudice me, I shall feel obliged if you will lay this letter before the Committee, and if they will permit me personally to contradict it before them. Mr. Layard, the late First Commissioner of Works, who was chairman of last year's Committee, knew all the circumstances of the case, and of the estimate I prepared under his direction. As he is absent I venture to appeal to you, as you were First Commissioner of Works at the time the subject was first discussed, and it was by your directions that I first prepared plans and entered into those communications with the authorities of the House of Lords, the results of which, after several years' negotiation, was laid before the Committee of last year.

"I am, &c.
(signed) "*Edward M. Barry.*

"The Right Honourable
"Lord John Manners, M.P."

The Committee Clerk was directed to acknowledge the receipt of Mr. Barry's letter, and to inform him that no such evidence as is referred to in his letter has been given before the Committee.

Captain Galton laid before the Committee certain plans for the new dining rooms.

The Chairman of the Kitchen and Refreshment Committee communicated the following Resolution, passed by the Select Committee on Kitchen and Refreshment Rooms (House of Commons), on Wednesday, 30th March:—

Resolved,
That this Committee is of opinion that by converting the Conference and adjoining rooms into dining-rooms for both Houses of Parliament, sufficient accommodation would be provided to meet the dinner requirements of the Members.

The Committee deliberated.

[Adjourned till Wednesday, 18th May, at Three o'clock.

Wednesday, 18th May 1870.

MEMBERS PRESENT:

Mr. AYRTON, in the Chair.

Lord John Manners.	Mr. Goldney.
Colonel Wilson Patten.	Mr. Edwards.
Mr. Bouverie.	Mr. Headlam.
Colonel French.	Mr. William Henry Smith.

The Committee deliberated.

The Chairman put in, and read, a correspondence between himself as first Commissioner of Works and the Chairman of Committees of the House of Lords, on the subject of the proposed arrangement, and the same was ordered to be printed in the Appendix.

The First Report of the Select Committee of the House of Lords on the office of the Clerk of the Parliaments and office of the Gentleman Usher of the Black Rod, was read.

The Committee deliberated.

[Adjourned till Wednesday, 25th May, at Four o'clock.

Wednesday, 25th May 1870.

MEMBERS PRESENT:

Mr. AYRTON, in the Chair.

Mr. Bouverie.	Lord John Manners.
Colonel French.	Colonel Wilson Patten.
Mr. Goldney.	Mr. Edwards.
Mr. William Henry Smith.	

Draft Report proposed by the Chairman read the first and second time, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and Appendix.

MINUTES OF EVIDENCE.

Wednesday, 23rd March 1870.

MEMBERS PRESENT:

Mr. Ayrton.	Mr. Headlam.
Mr. Bouverie.	Lord John Manners.
Mr. Edwards.	Colonel Wilson Patten.
Colonel French.	Mr. William Henry Smith.

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

CAPTAIN DOUGLAS GALTON, C.B., and Mr. JOHN TAYLOR, called in; and Examined.

Captain *Galton*, C.B., and Mr. *Taylor*.

23 March 1870.

1. *Chairman* (to Captain *Galton*).] YOU are Director of Public Works and Buildings in the Office of the Board of Works?—I am.

2. *Chairman* (to Mr. *Taylor*).] You are the Assistant Surveyor in the Office of Works in charge of the Houses of Parliament?—Yes.

3. (To Captain *Galton*.) Has a plan been prepared under your superintendence for the purpose of converting the Conference Room and the rooms on each side of it into a suite of Dining Rooms?—Yes, a plan has been so prepared by direction of the First Commissioner of Works.

4. Will you be good enough to lay the plan before the Committee?—This is the plan (*producing a Plan*).

5. Will you explain to the Committee the general mode in which that is proposed to be carried out by the plan you have produced?—The proposal is to make the Refreshment Rooms for the Peers and the Commons adjacent to each other.

6. Colonel *French*.] You mean the Dining Rooms?—Yes. The Conference Room and this present room, the Tea Room, are to be taken from the House of Commons, and one Peers' Committee Room, namely Room D., from the Peers. In order to obtain a Serving Bar, it is proposed to enclose the Lobby, which lies between the Commons' Corridor and the Peers' Corridor, with a wainscot glazed screen, very much like that which Mr. Barry has lately put up between the lower Waiting Hall and the Central Hall. The screen would be entirely in woodwork, and the glass would be opaque glass at the lower part; in the upper part it might probably be better to leave a pane of clear glass. In the next place, it is proposed to remove the bookcases out of this room, and to place them in the Commons' Corridor, so as to line it with bookcases, and carpet it, and to move the door from the south end of the Corridor, and place it in the small archway which opens into the lower Waiting Hall, so as to make this an entirely close Corridor for the House of Commons.

7. *Chairman*.] For the use of Members?—For the use of Members only. The present Members' and Strangers' Dining Room is proposed to be converted into a Tea Room, and the Members' Dining Room is proposed to be turned into a Members' News Room. For that purpose it will be necessary to provide some light at the top, the expense of which has been included in the estimate. One of the Peers' present Refreshment Rooms is proposed to be converted into a Committee Room, to replace Committee Room D., and the other will remain as a Peers' Tea Room. It will be necessary, for the purpose of converting the room into a Committee Room, to make two doors from the Peers' Corridor into the present Peers' Dining Room.

8. Mr. *Bouverie*.] Is the continuity of the Corridor broken there; is it stopped altogether?—Yes; the continuity of the Corridor will be entirely cut off by means of the Serving Bar; but then it must be remembered that the Corridor is now only really a public Corridor on one side, that is the Peers' side. On the Peers' side it contains Committee Rooms, but on the Commons' side it contains no rooms which are not for the use of Members only, and therefore to that extent it would be an advantage to close it.

9. As I understand it, there will be no way from the Library to the Peers' Corridor or the Committee Rooms Staircase, except by going back through the Centre Hall and the Lower Waiting Hall?—If you did not wish to go through the Lower Waiting Hall you might turn in and go through the Dining Room; but the way round through the Lower Waiting Hall would only be a few feet longer than the present direct passage through the lobby.

10. You will be able to pass round the Serving Room?—Yes; the Serving Room is in that architectural lobby which is just at the back of the opaque window which has recently been

Captain *Galton*, C.B., and Mr. *Taylor*.

23 March 1870.

been opened into the Conference Room, where the Refreshment Stall now stands.

11. *Chairman.*] Instead of merely walking along the Corridors, you would have to go two feet out of your way?—Yes; and a door is to be placed in the present archway, in order that a policeman should stand there and not let any but Members pass through it, instead of the public coming in as they now sometimes can.

12. There is a policeman kept about there, as you are aware, now?—Yes.

13. Then you provide a Lavatory for the Peers, do you not?—Yes, a Lavatory is provided for the Peers between the Peers' Tea Room and the Peers' Committee Room, and a Lavatory is provided for the Commons between the Members' Tea Room and the Members' News Room; the rest of the space, which is now occupied as serving space in the present Members' Dining Room, will be left as a Bar for serving the tea, instead of placing the tea arrangements in the room itself.

14. You have not made, I think, any special provision for the present Members' News Room, but you are leaving that to be arranged in any way that may be considered desirable?—Yes, that was left for the Committee to settle.

15. Will you be good enough to state what will be the dimensions of the rooms under the proposed arrangement?—The House of Commons' Dining Rooms at the present time contain 1,966 superficial feet of area, and 30,965 cubic feet of space.

16. Mr. *Headlam.*] Is that including the Strangers' Dining Room?—Those are the dimensions of the two Dining Rooms of the House of Commons at present. The Conference Room and the Tea Room together contain 2,335 superficial feet, and 43,960 cubic feet, so that the new rooms will be very much better ventilated than the present rooms, because the height is so much greater and the facilities for ventilation are so much greater.

17. Colonel *French.*] How much greater is the height?—The height of these rooms is 19 feet, and the present rooms are 15 feet 9 inches high.

18. Lord *John Manners.*] Is that the Conference Room and the Tea Room, or the Conference Room and the Lords' Committee Room?—The Conference Room and the Tea Room contain 2,335 feet; I have kept the Peers' separate. As regards the Peers' Refreshment Rooms, one contains 779 superficial feet, and the other contains 1,045 superficial feet; we propose to give a room which will contain 918 superficial feet, and to allot a room containing 1,045 superficial feet, to be the Peers' Tea Room. But I would observe upon this, that it will be quite possible to arrange that on very crowded nights the Peers should dine in the next Committee Room, if necessary; I observe that that was stated in the Committee of last year as being a feasible arrangement, if they chose to make it on very crowded nights, but I believe the Committee Room that we are allotting to the Peers' Dining Room will be amply sufficient for any Members of the House of Peers that will ever dine there. I find that last year during the debates on the Irish Church, the largest number of Peers who dined in the course of the whole evening was 75, but that generally on debate nights the average is not above 10, and that 12 or 15 is a large number of Peers to dine in the building. It has been calculated that the room which we allot to the Peers' Dining Room might dine 50 at a time.

19. Colonel *Wilson Patten.*] Is 50 the utmost that it would dine?—Yes, at the same time.

20. But more than that number dined in the present rooms on one evening last year?—Seventy-five in the whole course of the evening was the largest number of Peers who ever dined last Session in the present Dining Rooms during the debates upon the Irish Church Bill.

21. Colonel *French.*] What is the size of the Lords' proposed Dining Room?—Nine hundred and eighteen superficial feet.

22. And how many have they now?—Now they have in their Dining Room and Tea Room 1,824 superficial feet.

23. Would you give us these figures in another form, so that we may compare the present plan with what is shown on the former plans as to length and breadth?—The whole length of the three rooms taken together may be called 120 feet, and the width 27 feet; the greatest length for serving will be 60 feet.

24. Colonel *Wilson Patten.*] You mean for carrying dishes?—Yes, for carrying dishes from the serving point; that is exactly the same as the greatest distance at the present time.

25. Lord *John Manners.*] Then how do you propose that the Peers shall be served; will the things for the Peers' Dining Room have to be carried through the Dining Rooms of the House of Commons?—Yes, they will have to go from the same Serving Bar. It is not quite the same arrangement as was proposed last year. The objection to the plan of last year was, that the Serving Bar was at a very considerable distance from the end of the Commons' Dining Room; I believe 110 feet was the greatest distance.

26. Then I understand that according to the present plan, the Peers' dinners will have to be carried through one of the Commons' Dining Rooms?—Yes.

27. Have you had any communication with the officials or the authorities of the House of Lords upon this point?—No, not yet.

28. Colonel *Wilson Patten.*] Where is the Peers' Kitchen now?—It is exactly under their Dining Room; at present they have a separate Kitchen. (*The Witness pointed out the present position of the Peers' Kitchen and Dining Room upon the Plan.*)

29. Colonel *French.*] The Commons' Dining Room is proposed to be separated from the Peers' Dining Room by a solid wall, is it not?—It is, by the existing wall; there would be doors through it, but I believe it was intended that if the Peers preferred, they could dine in the Common's Dining Room if there was room in it.

30. Do you see any objection to that separation being effected by pillars, as it is in the United Service Club?—We proposed this plan simply on grounds of economy. It was assumed that the Peers would wish to have a private Dining Room, for in the plan of last year a Private Dining Room was given to them, as well as the power of dining in the Commons' Dining Room.

31. You would get ingress and egress very readily between the pillars; and with reference to the point upon which Lord John Manners was examining you, namely, the distance that the Peers' dinners would have to be carried, would not you facilitate that very much by having pillars, because by going between the pillars there is no delay at all?—The nearest point to the Peers' Room would be about 23 feet or 20 feet.

You

Captain *Galton*, C.B., and Mr. *Taylor*.

23 March 1870.

You might make a screen along the edge of the room if it was thought necessary.

32. Lord *John Manners.*] It being necessary under this plan to carry the Peers' dinners through a portion of the House of Commons Dining Room, have you contemplated any arrangements as to the placing of the tables in the Common's Dining Room through which the Peers' dinners would have to be carried?—No; I have not gone into the detail of the placing of the tables. If you wish it, I will consider that further.

33. *Chairman.*] It would only affect, I think, a table placed in the corner between the one entrance door and the entrance door leading into the Lords' Dining Room?—Exactly; I should imagine that the dinners would be carried from the bar in front of a certain number of tables, and passed through the door at the corner.

34. It would be a question of dispensing with one table at that corner?—Exactly.

35. If it was thought inconvenient to carry the dinners at the side of the table?—Yes.

36. Mr. *Smith.*] Upon your plan, it would be necessary, would it not, to dispense with tables on this side (*pointing to the plan*)?—I think some tables could be placed there between the Serving Bar and the wall and the door.

37. And the two doors?—Yes, I think so, certainly.

38. Lord *John Manners.*] How many tables do you contemplate being able to accommodate between the Serving Bar and the wall on the Peers' side of the Commons' Dining Room?—We should be able to accommodate about five, I should think; if there were no door, I could accommodate six.

39. Then the dinners that will have to be carried into the Peers' Dining Room, will have to pass in some way or other five House of Commons' dining tables?—Yes, or rather I meant dining space for ten Members; I did not mean five of the present dining tables, but small club tables, capable of accommodating two Members each.

40. Mr. *Edwards.*] What is the length of that space?—Twenty feet; I think you would get ten Members easily to dine in that space, leaving plenty of room for this door (*pointing to the plan*).

41. Mr. *Smith.*] The door extends about six feet into the room, does it not?—Yes, exactly.

42. You could hardly get another table in that line, I think?—No; I allow three feet for each Member dining space, making 15 feet, which would allow you five feet extra close to the door.

43. Colonel *Wilson Patten.*] How far do you say it is from the serving point to the furthest end of the Lords' Refreshment Room?—Sixty feet to the furthest end, and 20 feet, or 22 feet to the nearest end.

44. Mr. *Smith.*] The Lords' Dining Room would be a little more remote from the House of Lords than their present room, would it not?—It would, certainly.

45. Lord *John Manners.*] And more remote than was contemplated in the plan of last year?—It would be more remote by one room than the private Dining Room proposed last year.

46. I think you have not yet given the proportions of the Peers' Dining Room; the Commons is to be 120 feet long, I think, is it not?—No, the whole length would be 120 feet; the Peers' portion would be 34 feet by 27, and the Commons portion would be 86 feet by 27.

47. Mr. *Headlam.*] Is the Peers' Dining Room the same size as the Commons' Dining Room on this side; that is to say, is the Conference Room exactly in the middle?—The Conference Room is exactly in the middle.

48. What is the length of the Conference Room?—Fifty-one feet six inches by twenty-seven.

49. So that the sizes of the three rooms are respectively 34 feet, 51 feet 6 inches, and 34 feet, all by 27?—No; this is 35 feet by 27.

50. Mr. *Edwards.*] The Peers' Room exactly corresponds with this one, does not it?—Yes, except that this is 35 feet, and the Peers' is 34.

51. *Chairman.*] Do you know whether there is a gallery being fitted up for the Lords, with bookcases, in the way in which you propose to fit up the gallery for the Commons?—We went into a gallery the other day at the end of the Peer's Corridor, which was fitted up with bookcases, and carpeted; it is close to the entrance to the Librarian's house, I think.

52. Mr. *Smith.*] Have you made any calculation as to the amount of table-room which these new dining rooms will supply, due regard being paid to the passing of servants?—No; but the present room requires a very wide area to be kept down the centre for the purpose of communication from one end to the other, and this proposed room will be more conveniently arranged in that respect, as it will have two doors for going in at the sides, and therefore the same amount of space will not have to be reserved.

53. Mr. *Headlam.*] In calculating your superficial feet, do you include the serving place; the little projection that you have spoken of?—No, we exclude that, but the serving place is recessed in this plan.

54. When you were stating the size of the present Dining Rooms, did you include the serving place?—No.

55. That is excluded?—Yes, it is excluded in both cases; the area of the Serving Bar, the recessed place, will be 221 superficial feet in the proposed plan.

56. Colonel *French.*] How many tables are there room for at present in the Dining Room?—I understand that they can now place 87 Members.

57. I ask how many tables there are room for?—I do not know.

58. Then we will keep to the number of Members; how many can you accommodate at the same time, under your plan?—I assume that you would accommodate Members just in the same proportion, that is to say, you would accommodate one-sixth more in the proposed new rooms. I have not drawn out the tables upon the plan, but I have assumed that with the one-sixth additional space which we should give, we should be able to accommodate 100 Members dining at the same time. I can have a plan prepared, showing the arrangements for tables in the proposed Dining Room; my own impression is that these large rooms would give more space for dining than the smaller rooms; but, at the same time, I would observe, that it is perfectly possible, on very exceptional occasions, to spread into the adjoining room if you wish. You have the power to spread through that door (*pointing to the plan*), if you have any very exceptional occasions.

59. Mr. *Edwards.*] We could easily arrive at the fact as to how many could be accommodated?—I could easily have a plan laid down showing the tables, and then you would at once see how many we could accommodate. I can have it done upon a large plan.

Captain *Galton*, C.B., and Mr. *Taylor*.

23 March 1870.

60. I think the number would be considerably in excess of what you said?—I think myself that there might be room for more than the numbers I mentioned.

61. Mr. *Headlam.*] Do you think that there would be a considerable increase of accommodation as compared with the present plan?—There would be an increase.

62. You mean literally that there would be a greater number of Members accommodated, not only that they would be more comfortable?—I mean that a larger number of Members would be able to dine; but the main point is the additional comfort.

63. You have not, as yet, consulted the Peers in any way?—No.

64. *Chairman.*] Will you now be good enough to state what arrangements you propose to make upon the lower floor to correspond with the proposals with respect to the Dining Rooms?—We propose to convert the present Public Dining Room, with the adjacent Smoking Room, into a Kitchen, and to enclose the space which now is entered from the gateway between the Peers' Inner Court and the Commons' Inner Court, for a Scullery, Store Rooms, and various offices; to remove a present lavatory, which is in one of the stores for Journal Offices, into an adjacent room, and to take three stores for Journal Offices; one for the lift, and for a staircase to go up to the Serving Bar, one for a glass washing-room, and the other for a room for assorted wines. Then we shall convert the present Commons' Kitchen into a public Dining Room; and the room adjacent, which is a Clerks' Room, is proposed to be converted into a room for smoking. The present Commons' Kitchen has a superficial area of 566 feet; the proposed Kitchen will have 900. The cubic contents of the present Kitchen are 6,698, or about 6,700 feet, and the cubic contents of the new Kitchen will be about 11,000 feet. At present the lift is in the Kitchen. The distance from the lift to the Kitchen in this proposed plan will be 40 feet, and the distance from the lift to the Scullery 30 feet. There will be no difficulty about the flues for the Kitchen, as we shall arrange for them by converting the dark space at the back of the Public Dining Rooms, now used as cupboards, with the passage above it, into an open area; this will involve making new doors into the rooms now occupied by the Speaker's Counsel. The area of the present Strangers' Dining Rooms is 957 feet; this will be reduced to 566.

65. Mr. *Smith.*] I think the present Strangers' Dining Room is not much used, is it?—This room downstairs is for persons who are not connected with the House at all; persons attending Committees, and so forth.

66. Mr. *Edwards.*] What is the distance of the lift from the Kitchen?—It will be 40 feet from the Kitchen; there is an advantage in that, in one way, that you get no smell; but it involves an extra boy or two to carry the things.

67. Colonel *French.*] What do you propose in place of the Strangers' Dining Room?—We propose to convert the present Kitchen into the Strangers' Dining Room.

68. Will that be a larger room?—No; it is wider, but shorter, and there are two of them now. We should have a larger room than either of the two separately would be; 957 superficial feet is the area of the two rooms at present; the room we give instead will only contain 566 superficial feet.

69. Do you reckon, in the 566 feet, the Smoking Room that is off it?—No; there are now two rooms besides the Smoking Room; but I believe that one of them is very seldom used

70. The outside one is not often used, I believe?—No; so that, practically, I believe, we shall get as much accommodation as is wanted.

71. Lord *John Manners.*] With respect to the flues which you mentioned; have you been in communication with Dr. Percy on that point?—Yes.

72. Have the arrangements you describe met with his approbation?—There is no difficulty, I believe, about that; we do not disturb him.

73. I did not quite understand what you meant by doors opening into the rooms of the Speaker's Counsel?—The rooms over the present public Dining Rooms are occupied by the Speaker's Counsel, and there is a passage at the back which gives access to those rooms. Now we shall convert the greater part of that passage into an open area, and have to make two fresh doors into these rooms. We shall cut off the greater part of the passage, and convert it into an open area, in which we shall construct the flues, and it will also give a certain amount of air and light, and will assist the ventilation of the Kitchen.

74. Colonel *French.*] You do not cut through any main walls in that process, do you?—No; except for door-ways.

75. Colonel *Wilson Patten.*] We should like to have a new plan showing exactly the communication between the Kitchen and the proposed large rooms, and also the dining space for individuals; I think we should have a plan on paper by itself showing exactly how the rooms will be situated, what their size will be, and what the accommodation will be, without reference to the present building any more than is necessary to show the corridor, and so on?—This shows it in colours. You wish to have a plan of this size, with what is red here put in black, because that would be the only difference from this. There is no structural alteration at all in this proposal, or comparatively none. This Sub-Hall is an open space now, and we build up at these places (*pointing to the Plan*). We will lay before the Committee one plan, showing this part of the building exactly as it is, and another plan showing it exactly as it will be if this proposal is carried out.

76. Mr. *Edwards.*] Will you also show the number of Members and Peers who can be accommodated?—I will have a plan prepared showing the tables for the Lords as well as the Commons.

77. Lord *John Manners.*] When the plan is more matured than it is, and we know how many Members will be accommodated by the proposal, and whether fresh furniture will be required throughout the whole of the rooms, I think we ought to have an estimate for the whole of the rooms?—I have an estimate for this plan.

78. Mr. *Edwards.*] We want to get the whole of the accommodation first?—We will sketch it in.

79. *Chairman.*] I think the Committee did not go into the question of furniture last year?—Yes, last year they mentioned furniture, and I saw Mr. Cox about it. Mr. Cox was examined last year. I showed him his evidence, and he said it was practically the same for the present proposal.

APPENDIX.

LIST OF APPENDIX.

Appendix, No. 1.

PAGE

Houses of Parliament—Proposed Alterations in the Refreshment Department—Estimate - 7

Appendix, No. 2.

First Report from the Select Committee of the House of Lords on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod - - - - 8

Appendix, No. 3.

Correspondence between the First Commissioner of Works and Lord Redesdale - - - 10

Appendix, No. 4.

New Palace of Westminster—Plans showing the proposed alterations in the Peers and Commons' Dining Rooms, Kitchens, &c. - - - - - - - - - - 12

APPENDIX.

Appendix, No. 1.

HOUSES OF PARLIAMENT.

PROPOSED ALTERATIONS in the REFRESHMENT DEPARTMENT.

ESTIMATE.

19 May 1870.

	£.
To convert the present Conference Room and Members' Tea Room into Members' Dining Rooms, and convert the present Members' Dining Rooms into Tea Room and News Room, removing the bookshelves from the present Tea Room, and re-fixing them in the Commons' Corridor, and the necessary alterations in the basement - - - - - - -	4,250
Committee Room proposed by the House of Lords' Committee, viz. :—	
For constructing a Peers' Committee Room, 42 feet by 27 feet, with Entrances from the Peers' Corridor, as shown on a Plan prepared by direction of the First Commissioner for the House of Lords' Committee - -	2,000
To form an Entrance from the lower Waiting Hall to the proposed new Committee Room by means of a small Doorway under the window which now lights the staircase landing upon which the statue of Sir Charles Barry is placed; including the alteration of the glass, new stone steps and landing, and raising the roof of Lobby adjoining the new Committee Room (in order to obtain an Entrance to the latter room from the said landing), according to the Plan recommended by the House of Lords' Committee instead of that recommended to them by the First Commissioner - -	450

John Taylor.

Office of Works, 19 May 1870.

Appendix No. 2.

FIRST REPORT

FROM THE

Appendix, No. 2. SELECT COMMITTEE of the HOUSE of LORDS on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD.

BY THE LORDS' COMMITTEES appointed a SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD; and to report to the HOUSE; and to whom Leave was given to report from Time to Time to the HOUSE; and to whom was referred the Annual Account of the Fee Fund of the House of Lords:—

ORDERED TO REPORT,

THAT the Committee have met and have been attended by the Clerk of the Parliaments.

The Committee have directed their attention to the plans prepared by direction of the House of Commons with a view to provide additional dining accommodation for Members of that House, and after a careful consideration of the same have agreed to the following Report:—

The Committee are prepared to recommend the House to give up the Painted Chamber to the Commons, who are desirous of obtaining it in order to secure improved dining accommodation, if an apartment equally convenient for the purposes to which that room is applied is given in exchange for it. A plan for such an apartment, prepared by Mr. Barry, was submitted to the Committee last year, of which they approved. Another has been laidbefore them this year by the Chief Commissioner of Works, which they are willing to accept, provided an alteration is made in the public approach to it from the lower waiting hall instead of from the corridor.

The Chief Commissioner has objected to this entrance on the following grounds:

1st. That the staircase would be obstructed by persons thronging about the entrance into the room when a Committee was sitting in it, to the great inconvenience of Members of the House of Commons, who have frequently to proceed to the House with great rapidity from their Committee-rooms on the first floor.

In reply to this objection, the Committee remark that whenever a Committee was sitting in the room there would be a doorkeeper there, who would be instructed not to allow persons to loiter on the landing place or the stairs adjoining, which would probably keep them clearer than they are sometimes at present; and it is obvious that the chance of obstructions to Members on the staircase from persons entering or leaving that one Committee-room must be far less than what must be caused by the passage of persons to and from the very numerous Committee-rooms of the Commons approached by that staircase. In the latter case the obstruction may be throughout the whole length of the staircase; from the proposed Lords' room it would only be for five steps and the landing-place.

2nd. That it would impair the effect of the present staircase.

The Committee are disposed to think that the entrance they desire having formed part of Mr. Barry's plan, he would not have proposed it if he was not satisfied that under his designs all material objection on this point would be removed.

3rd. That it would add 50 per cent. to the cost of the room.

The Committee having examined the plans are satisfied that this estimate is excessive. It appeared to them, on conferring with Captain Douglas Galton, C.B., R.E., and Mr. John Taylor, of the Office of Works, that this estimate was founded on the idea of constructing a large arch to correspond with the one opposite, whereas a doorway of moderate dimensions seems to the Committee all that is required. They are very sensible

of

of the importance of observing reasonable economy in all public expenditure, but they feel that, in making any permanent provision for the accommodation of the Houses of Parliament, it is desirable that all should be done in the best manner, and that some additional outlay by which greater convenience will be obtained will be money well laid out. Appendix, No. 2

The Committee desire to have the public approach to the new room from the inner hall and not from the corridor for the following reasons:

When there are Committees sitting in their rooms C and D, the corridor is often inconveniently crowded, and to make the public entrance into the new room from the same part of that corridor would be attended with great inconvenience. Moreover, when the Lords shall at any time, when they have not immediate use for the room, give leave for any drawings, plans, or models to be placed there for inspection by Members or the public, it is most desirable that the approach to it should be from the hall and not from the corridor. The Committee have only to remark further as to the objection on the ground of expense, that the Lords are content to remain as they are, although in the event of their plans being agreed to they are willing to give up the Painted Chamber, which possesses all the latter advantages, to meet the wishes of the Commons.

The Committee are unable to recommend that the argument proposed for securing a joint dining establishment for both Houses should be agreed to; having given full consideration to the subject, they are not satisfied that such a change would be expedient.

Appendix, No. 3.

Appendix, No. 3. CORRESPONDENCE between the First Commissioner of Works and Lord *Redesdale*.

— No. 1. —

LETTER from the First Commissioner of Works to Lord *Redesdale*.

My dear Lord, 26 April 1870.

I HAVE had the accompanying plan prepared in accordance with the wish which you expressed when you were good enough to call here. If, on consideration, you should think, with the Committee of the House of Lords, that the new room is essential, and that it is inexpedient to bring into use the six Committee-rooms on the west side, and keep the Library corridor private, I shall be happy to attend the Committee, and explain anything connected with the plan, and submit it, if approved, to the Treasury.

I beg you will understand that the printed indications on the plan are merely suggestions, and not in the least intended as conditions which I wish to impose.

You will observe that the new room is larger than any other now in use.

As conferences now scarcely can take place, I would suggest that the conference fittings should be kept in store, they could be put up when required in a few hours in any suitable room.

Very faithfully yours,

The Lord Redesdale. (signed) *Acton S. Ayrton.*

— No. 2. —

LETTER from Lord *Redesdale* to the First Commissioner of Works.

Dear Sir, Park Place, 3 May 1870.

I HAVE submitted the plans to the Committee to-day, and have much pleasure in reporting to you their decision upon them, as I hope that it will entirely meet your views.

They are willing to give up the Painted Chamber to the Commons for their dining-room, receiving in return the new room you propose to have built (42 ft. × 27 ft.), as shown on the plan. They desire that the public entrance to it should be from the lower waiting hall instead of from the corridor, as the witnesses and others attending a Committee would thereby be prevented adding to the numbers in that place, which is now overcrowded when Committees are sitting in C. and D. The Peers' entrance might be, as proposed, from the corridor, on the level of which the room may be constructed by having a descent into it from the public entrance in part of the space allowed for the waiting-room. This is the only alteration they require.

They decline to entertain, for the present, the proposal for a joint dining establishment by appropriating their Committee-room D. to that purpose, as they consider the room offered in substitution for it unsuitable for a Committee-room; by this arrangement the expense of altering their present dining and tea rooms will not have to be provided for in the Estimates for this year.

As regards the fittings for conferences, they suggest that the seat and table should be transferred to the new room, and set close against the wall where the back of the former would supply handsome pannelling, and the apartment would be thus always ready for a conference. Very little room would be thus occupied, and the table would be a convenience to the Peers in Committee, for many purposes.

* * * * * *

If you desire to see me or the Committee on any point, I will attend to your wishes.

I have, &c.

To the Right Honourable
Acton S. Ayrton, M.P. (signed) *Redesdale.*

— No. 3. —

LETTER from the First Commissioner of Works to Lord *Redesdale.*

My Lord, Office of Works, &c., S.W., 13 May 1870.

WITH reference to your Lordship's suggestion to construct an entrance to the proposed Committee-room for the House of Lords from the landing at the foot of the principal staircase, I beg to inform you that it has been carefully considered by the officers of this department, and they have come to the conclusion, in which I entirely concur, that it would be inexpedient.

It would impair the general appearance and effect of the present structure, and it would add 50 per cent. to the cost of the room proposed by your Lordship.

The access to the staircase would be obstructed both by persons thronging about the door leading to the Committee-rooms, and by others passing across those going up or down the staircase. It frequently happens that a considerable number of Members of the House of Commons have to proceed with great rapidity from the Committee-rooms on the first floor to the House of Commons, and the obstruction would be attended with much inconvenience.

I trust, therefore, the Committee of the House of Lords will not further insist on this proposal.

I learn with great regret that the Committee are indisposed to recommend the united service of refreshment-rooms for the two Houses of Parliament, as it would be not only a reasonable economy, but it would tend to obtain for each House a better service than either can procure separately.

But it will be my duty to submit for the consideration of Her Majesty's Government whatever recommendations the Committee may deem it expedient to make for the convenience of the House of Lords.

I have, &c.

The Lord Redesdale. (signed) *Acton S. Ayrton.*

Appendix, No. 4.

NEW PALACE OF WESTMINSTER.

Appendix No. 4.

PLAN showing proposed ALTERATIONS in the PEERS' and COMMONS' DINING ROOMS, KITCHENS, &c.

DESCRIPTION of the accompanying Plan for converting the Conference Room and adjoining Room into Dining Rooms, and for Alterations in the Kitchen Arrangements, for the accommodation of the House of Commons.

PRINCIPAL FLOOR.

IT is proposed to convert the Conference Room and the Members' Tea Room into Members' Dining Rooms, forming additional door openings where required, and removing the bookcases from the walls of the Tea Room, and placing them in the Commons' Corridor, which is intended to be made a private Corridor by hanging a door to the opening which leads into the lower Waiting Hall.

The proposed Dining Rooms would be served from a Bar to be formed by enclosing the Lobby between the Peers' and Commons' Corridors with wainscot glazed screens, cutting down the window opening in the wall of the Conference Room, and projecting the front screen about four feet into the latter room; the lift and staircase from the ground floor being placed within those screens.

The Members' and Strangers' Dining Room can be converted into a Members' Tea Room, and the Members' Dining Room can be used as a Members' News Room.

The present Newspaper Room could then be used by Members for the purpose of receiving strangers.

GROUND FLOOR.

It is proposed to convert the present large Public Dining Room and the Smoking Room into a Kitchen, the small Public Dining Room into a Larder, and the present Kitchen and Clerks' Room adjoining into Public Dining Room and Smoking Room; the entrance to those rooms being made from the Corridor which leads to the Library offices.

The Sub-Hall and rooms adjoining are intended to be appropriated as additional Kitchen Offices, Manager's Room, &c., and the present Journal Office Lavatory, and two Store Rooms belonging to that Department, are proposed to be taken for use as Glass Washing Room, space for staircase and lift, and cellar for assorted wines. The Lavatory fittings would be refixed in an adjoining room, and unoccupied Store Rooms overlooking the Speaker's Court would be appropriated to the Journal Office in lieu of those proposed to be taken.

Comparative Areas and Contents of the present and the proposed Arrangements:

NAME OF ROOM.	PRESENT ARRANGEMENT.				PROPOSED ARRANGEMENT.			
	Area in Superficial Feet.	Cubical Content.	Height.		Area in Superficial Feet.	Cubical Content.	Height.	
		Feet.	*Ft.*	*In.*		*Feet.*	*Ft.*	*In.*
Members' Dining Rooms	1,966	30,965	15	9	2,335	43,960	19	0
Do. - Tea Room -	945	17,955	19	0	836	13,167	15	9
Do. - News Room -	594	6,831	11	6	1,130	17,798	15	9
Commons' Kitchen -	566	6,698	11	10	900	10,945	12	8
Public Dining Room -	957	11,572	12	8	566	6,698	11	10

NEW PALACE AT

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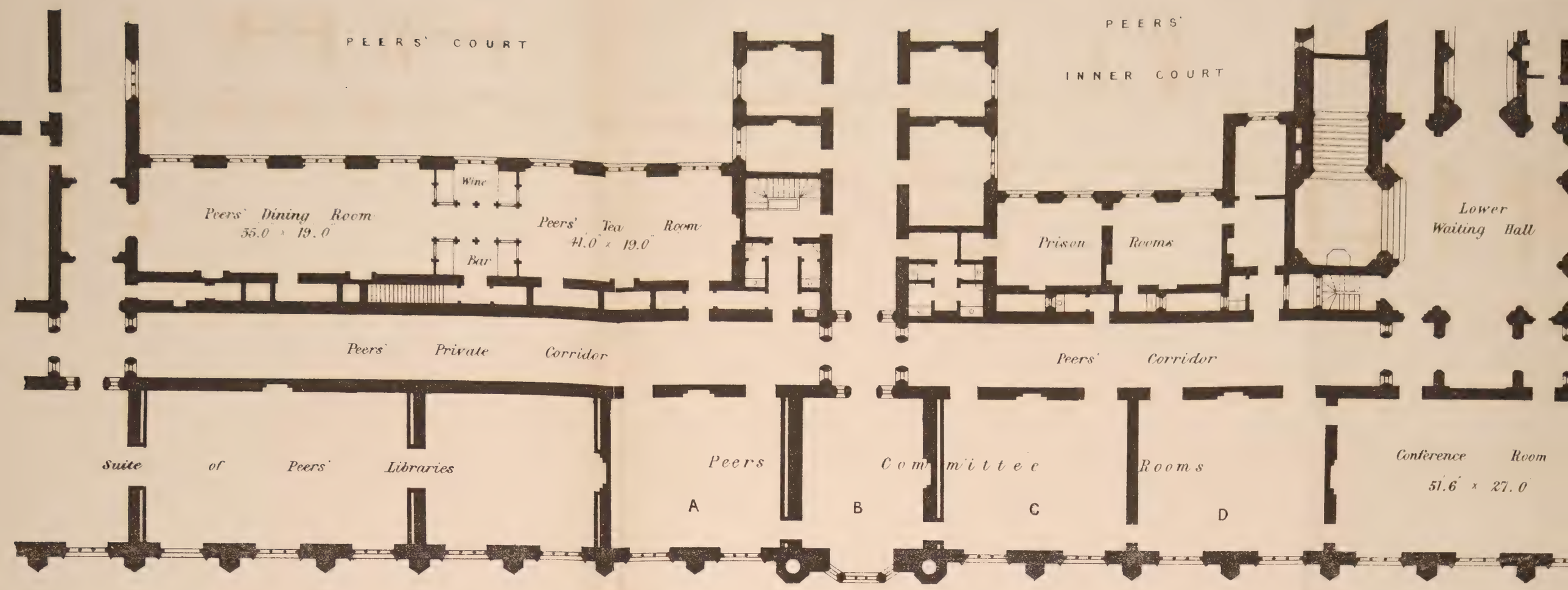

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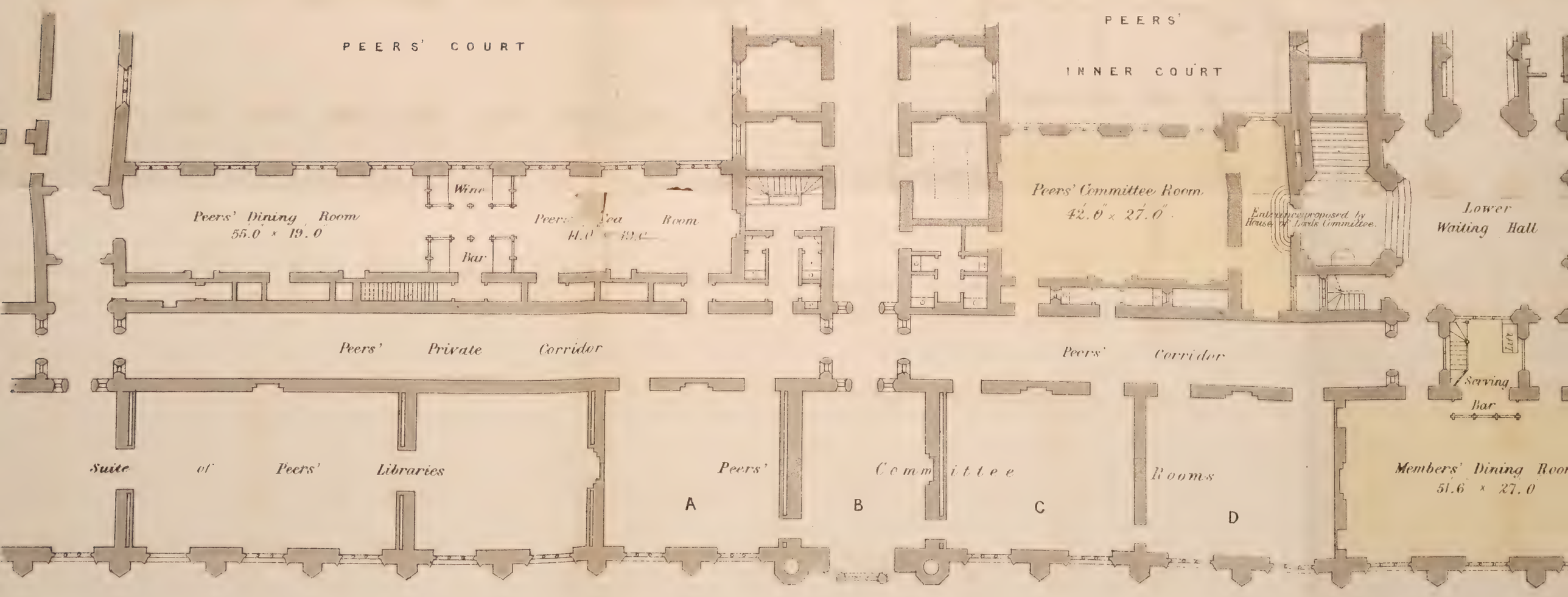

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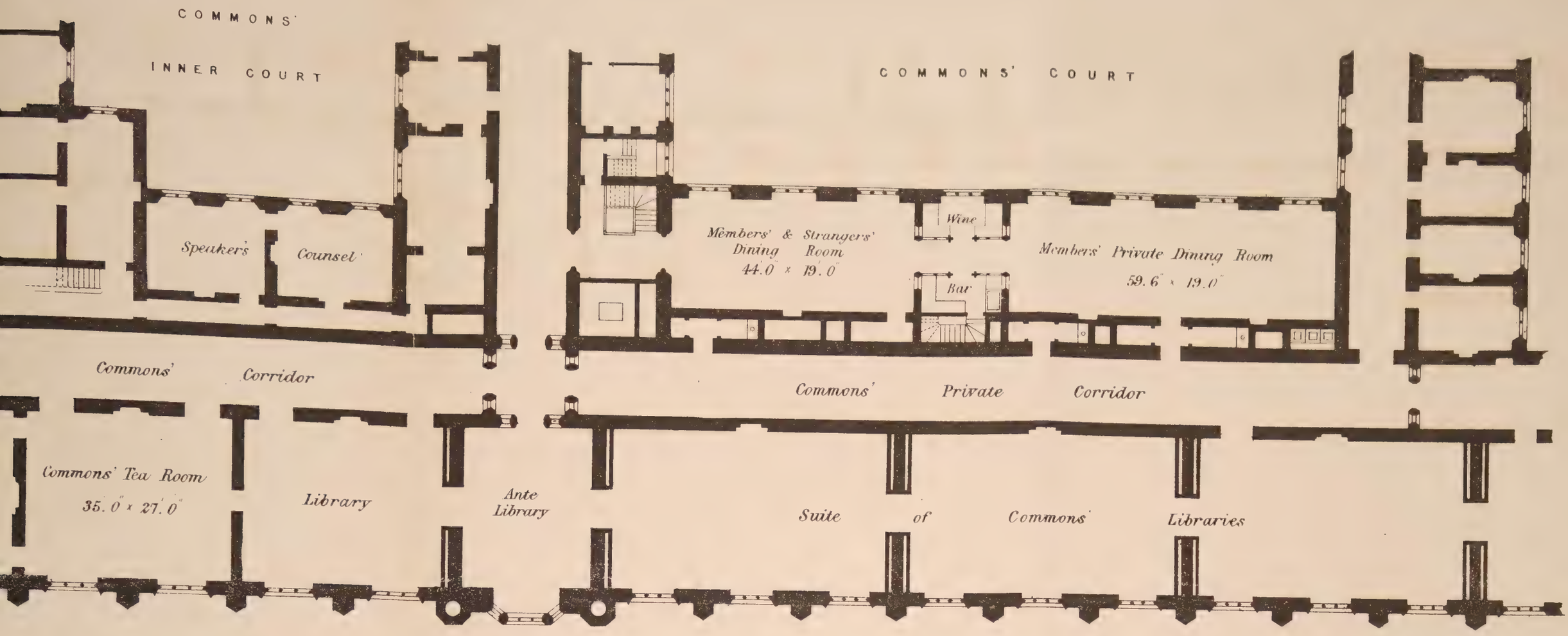

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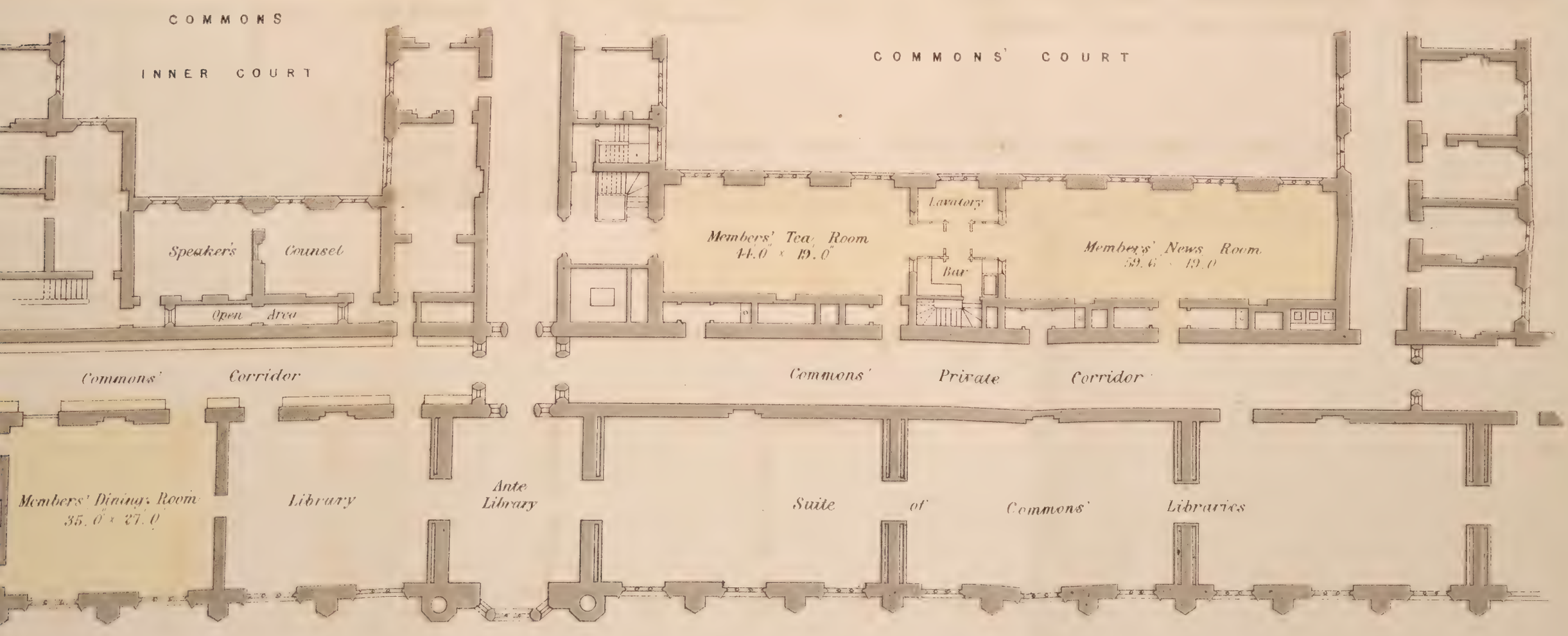

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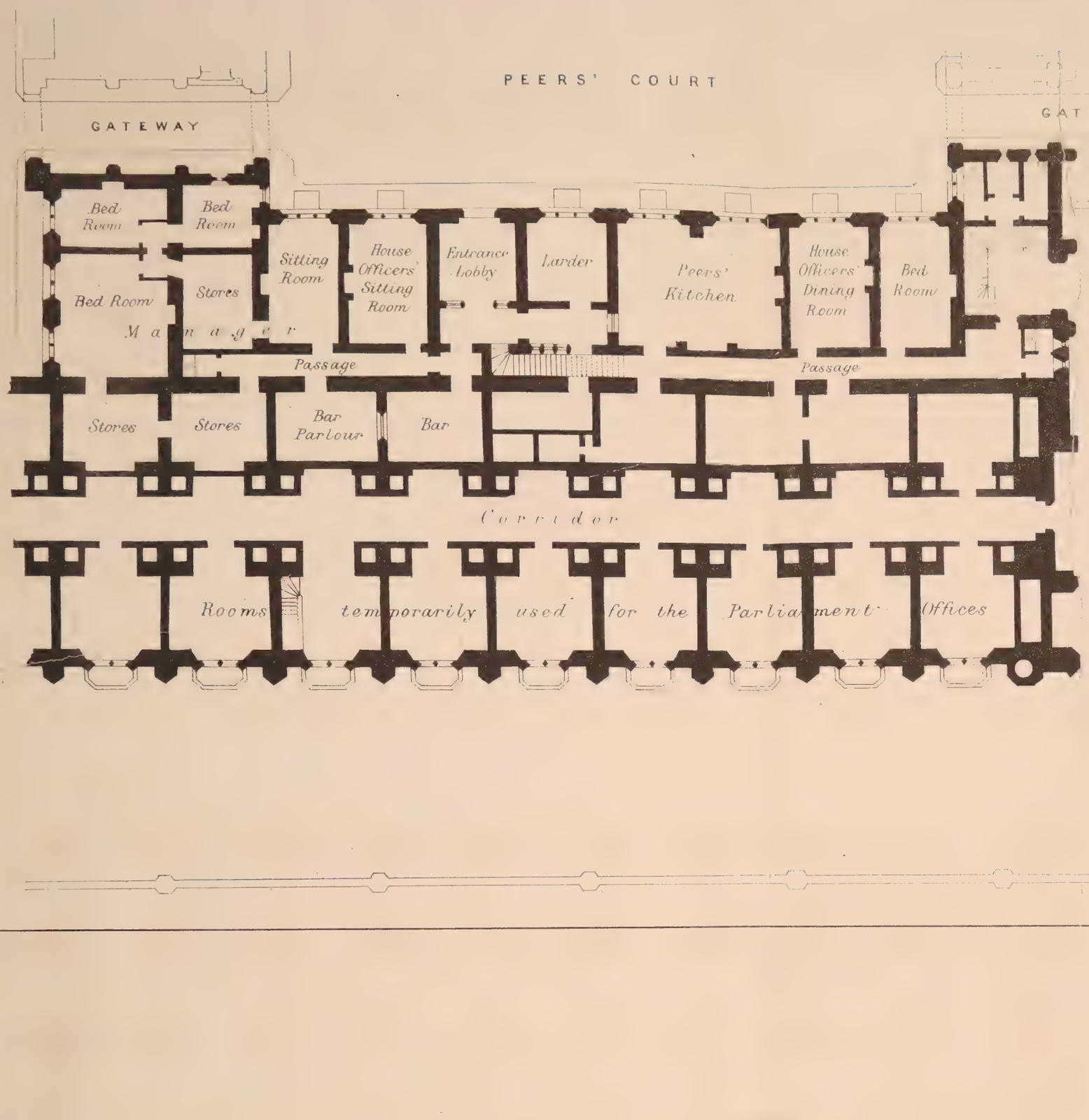

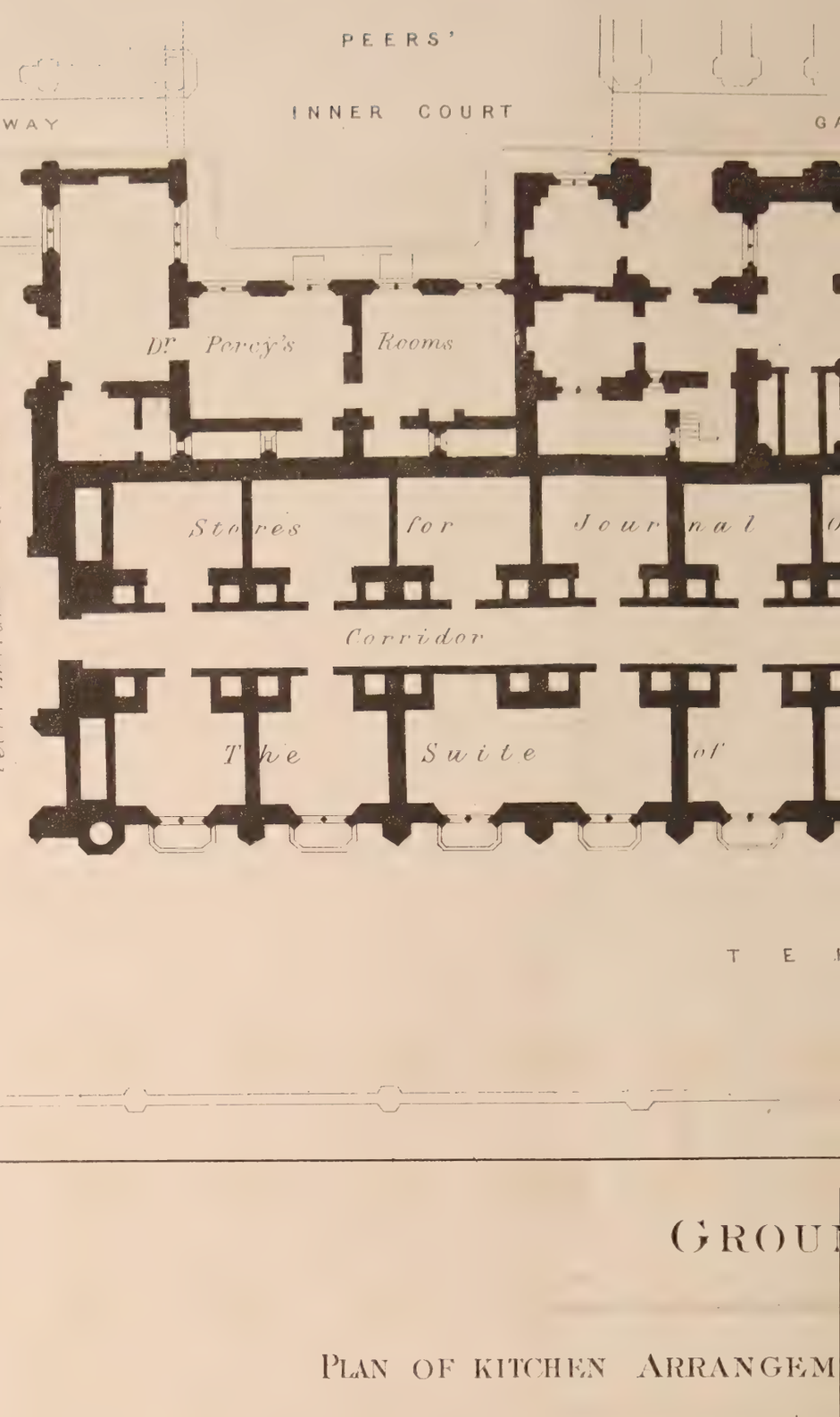

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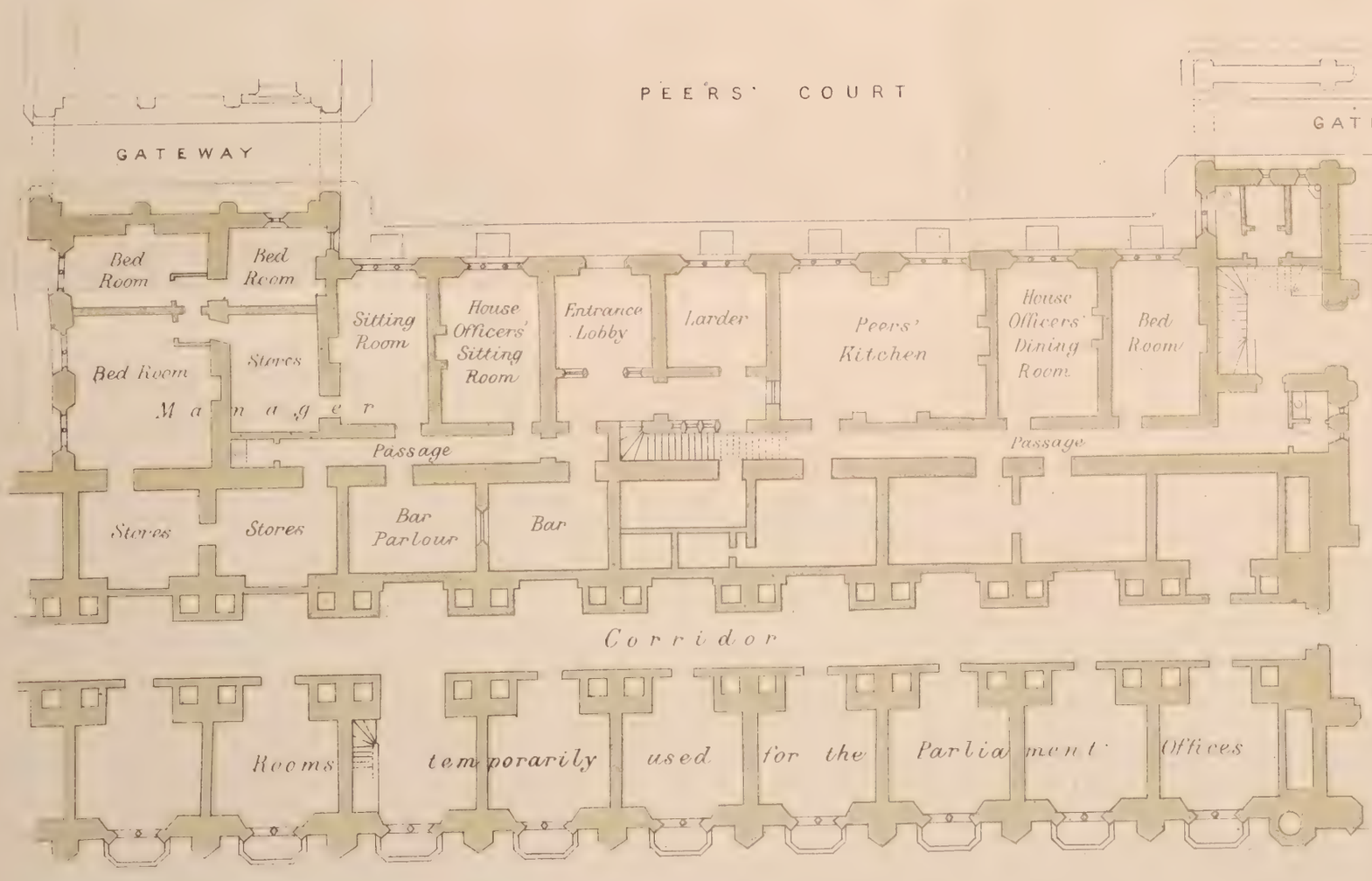

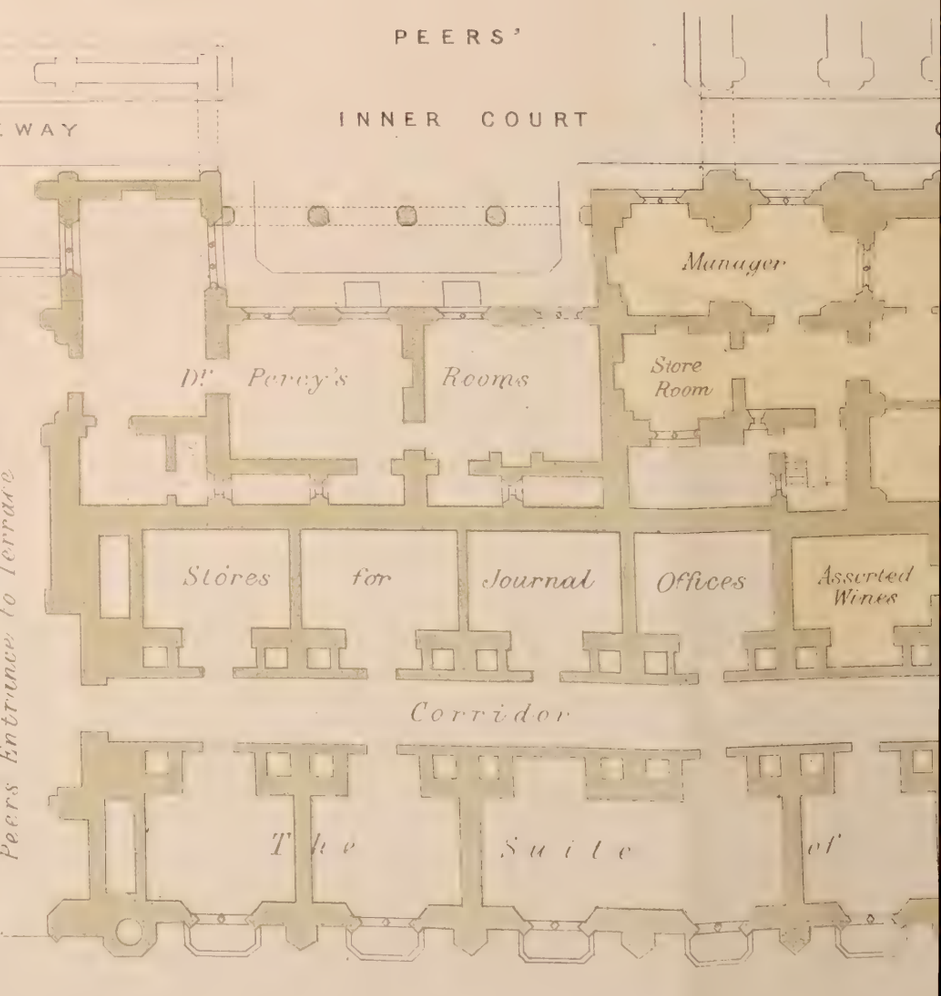

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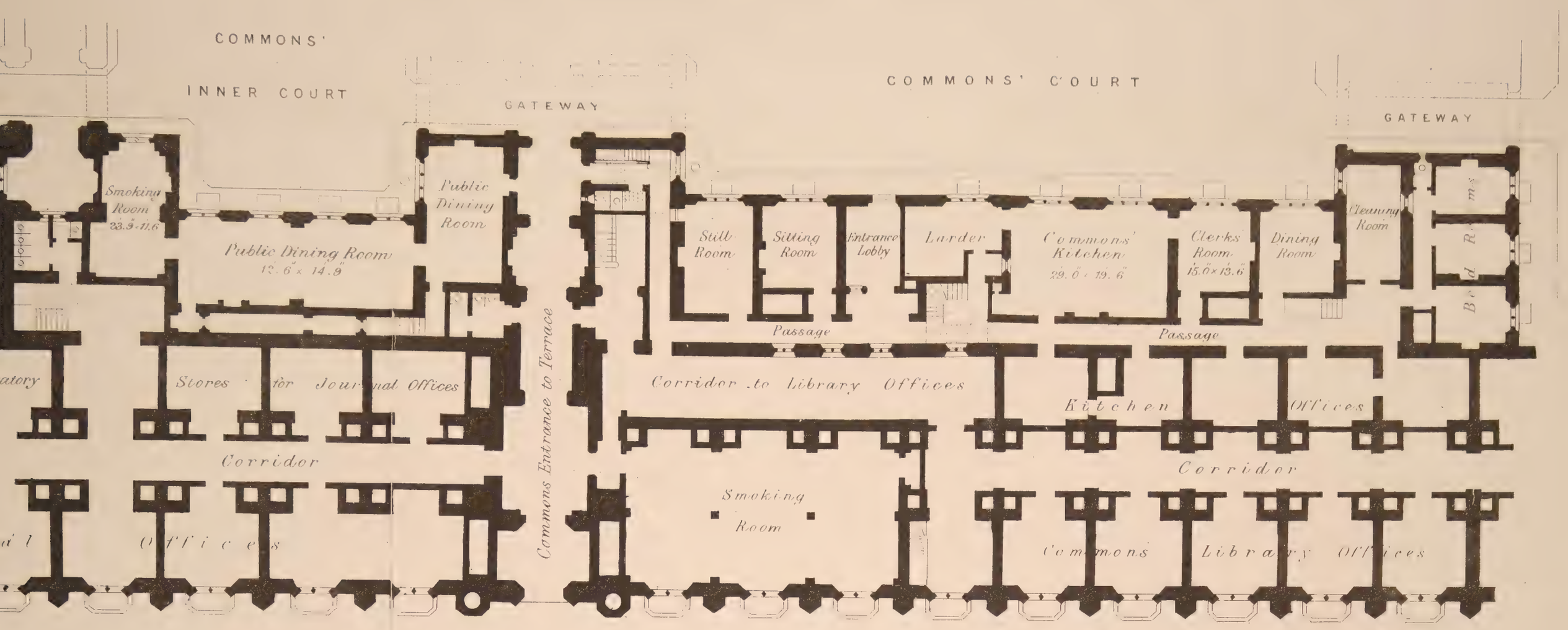

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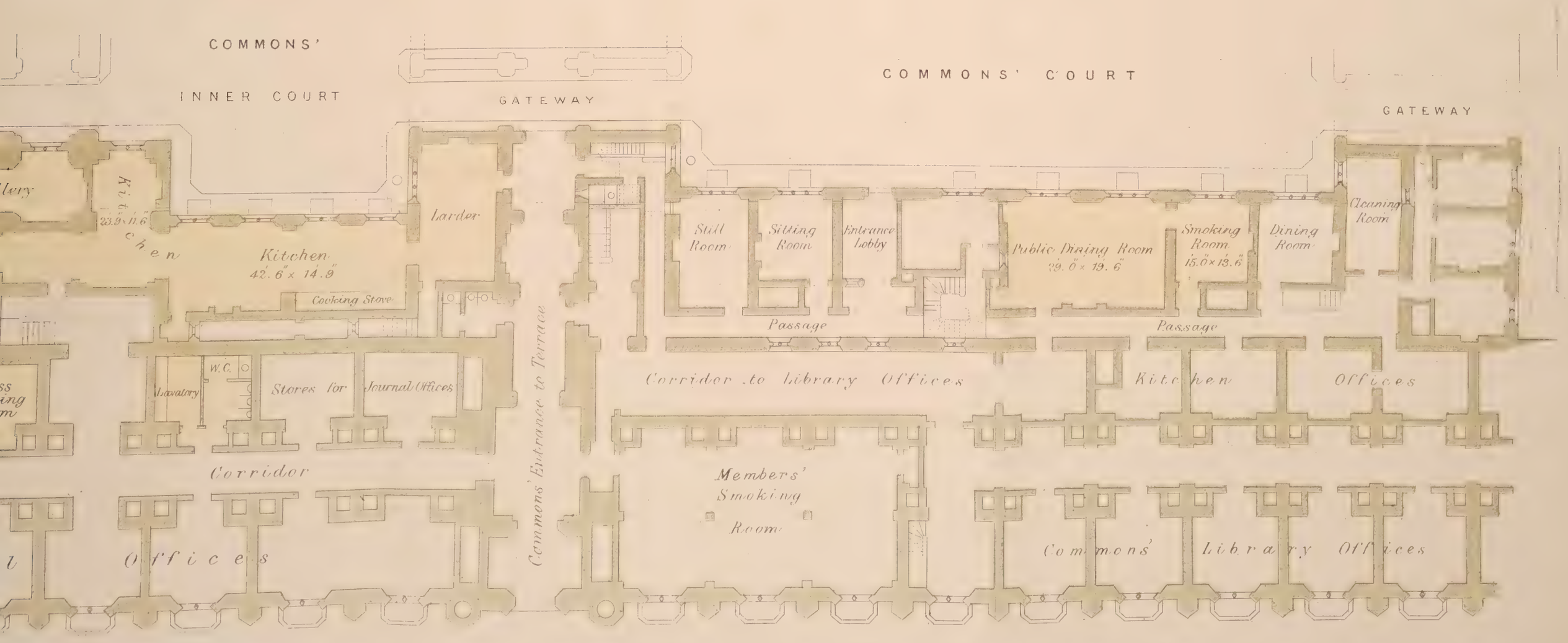


REPORT

FROM THE

SELECT COMMITTEE

ON

HOUSES OF PARLIAMENT
(NEW REFRESHMENT ROOMS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

Ordered by, The House of Commons, *to be Printed*,
25 *May* 1870.

[*Price* 2 *s.* 2 *d.*]

257.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON THE

JURIES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1870.

306.

Wednesday, 6th April 1870.

Ordered, THAT the Juries Bill be read a second time, and committed to a Select Committee.

Friday, 6th May 1870.

Ordered, THAT the Select Committee do consist of Seventeen Members.

Committee nominated of—

Viscount Enfield.	Mr. Adolphus Young.
Mr. Cross.	Mr. Henry Herbert.
Mr. Denman.	Mr. Gordon.
Sir Hervey Bruce.	Mr. Lusk.
Mr. Welby.	Mr. Wilbraham Egerton.
Mr. Headlam.	Mr. Donald Dalrymple.
Mr. Amphlett.	Mr. Richard Bright.
Mr. Dickinson.	Mr. Hanbury-Tracy.
Mr. Floyer.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 27th June 1870.

Ordered, THAT the Committee have leave to make a Special Report, with power to report the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - p. iv

MINUTES OF EVIDENCE - - - - - - - - p. 1

APPENDIX - - - - - - - - - - - - p. 46

REPORT.

THE SELECT COMMITTEE to whom the JURIES BILL was referred, have considered the said Bill, and taken Evidence thereon, which they have agreed to report to The House, and have gone through the Bill, and made amendments thereunto.

SPECIAL REPORT.

THE SELECT COMMITTEE to whom the JURIES BILL was referred have agreed to the following SPECIAL REPORT:

1. BEFORE going through the more important clauses of the Bill, your Committee deemed it necessary to take evidence upon several points to which the attention of the Committees of 1867 and 1868 was not particularly directed, especially as to the new qualifications of county jurors proposed in the Bill, and as to the present qualifications of jurors in cities and boroughs, and their sufficiency or otherwise.

2. Your Committee having been convinced, by the evidence before them, that the new qualifications of county jurors proposed by the Bill were generally too high, have amended the Bill in that respect.

3. Your Committee have also made such other alterations in the Bill as appeared to them desirable, with a view of enabling Parliament to pass the Bill either in whole or in part during the present Session, should it be deemed expedient.

4. Your Committee find that owing to the large increase in the burgess roll, caused by the Representation of the People Act, 1867, and the number of persons qualified to serve as jurors under the freemen's qualification in certain cities and boroughs, the qualification of jurors in cities and boroughs is generally too low, and they are of opinion that a Bill should be brought in by the Government, containing provisions for the amendment of the law in that respect.

5. The diversity and irregularity which exist in different cities and boroughs in the methods pursued for forming jury panels and summoning juries require legislation in order to ensure uniformity; but your Committee find it impossible to arrive at any specific recommendation as to the best mode of amending the law in these respects, without instituting further inquiries, which would occupy so much time as to prevent them from returning the Bill to the House in time to enable the House to pass it during the present Session.

6. The Bill, as amended, appears to your Committee to contain several valuable provisions, but it only deals with a portion of the law relating to juries, and your Committee feel that some inconvenience may arise from dealing with so large a subject in a fragmentary way, and submit to the House whether it would be more satisfactory that it should be left to be dealt with as a whole, in a Bill to be brought in by Government at the earliest possible period, or whether the present Bill should be passed during the present Session.

PROCEEDINGS OF THE COMMITTEE.

Friday, 13*th May* 1870.

MEMBERS PRESENT:

Viscount Enfield.	Mr. Dickinson.
Mr. Denman.	Mr. Wilbraham Egerton.
Mr. Floyer.	Mr. Amphlett.
Mr. Dalrymple.	Mr. Cross.
Sir Hervey Bruce.	Mr. Hanbury-Tracy.

Viscount ENFIELD was called to the Chair.

The Committee deliberated.

[Adjourned till Monday, the 23rd May, at Twelve o'clock.

Monday, 23*rd May* 1870.

MEMBERS PRESENT:

Viscount ENFIELD in the Chair.

Mr. Denman.	Mr. Cross.
Mr. Headlam.	Mr. Wilbraham Egerton.
Mr. Welby.	Mr. Lusk.
Mr. R. Bright.	Mr. Amphlett.
Mr. Donald Dalrymple.	Mr. Dickinson.
Mr. Floyer.	Mr. Hanbury-Tracy.

Preamble *postponed*.

Clauses 1–5 *postponed*,

Clause 6.—Motion made, and Question, That the consideration of the clause be adjourned for the purpose of taking evidence generally as to the qualification of jurors—(*Mr. Cross*).—Question put:—The Committee divided.

Ayes, 9.	Noes, 3.
Mr. Cross.	Mr. Headlam.
Mr. Denman.	Mr. Dickinson.
Mr. Welby.	Mr. Lusk.
Mr. Amphlett.	
Mr. Floyer.	
Mr. Wilbraham Egerton.	
Mr. D. Dalrymple.	
Mr. R. Bright.	
Mr. Hanbury-Tracy.	

[Adjourned till Monday, the 30th May, at Twelve o'clock.

Monday, 30*th May* 1870.

MEMBERS PRESENT:

Viscount ENFIELD in the Chair.

Mr. Headlam.	Mr. Donald Dalrymple.
Mr. Denman.	Mr. Wilbraham Egerton.
Mr. Cross.	Mr. Dickinson.
Mr. Floyer.	Mr. Adolphus Young.
Mr. Welby.	Mr. Richard Bright.

Mr. *John Freeman*, Mr. *Joseph Rayner*, Mr. *Frederick Deacon*, and Mr. *Abraham Grunwood Eastwood*, were severally examined.

[Adjourned till Monday, the 13th June, at Twelve o'clock.

Monday, 13*th June* 1870.

MEMBERS PRESENT:

VISCOUNT ENFIELD in the Chair.

Mr. Cross.	Mr. Hanbury Tracy.
Mr. Floyer.	Mr. Richard Bright.
Mr. Donald Dalrymple.	Mr. Adolphus Young.
Mr. Wilbraham Egerton.	Mr. Amphlett.
Mr. Welby.	Mr. Dickinson.

Mr. *H. Sadler Mitchell*, Sir *Joseph Heron*, Mr. *Wace Lockett Mendham*, and Mr. *Thomas Linge*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 16*th June* 1870.

MEMBERS PRESENT:

Viscount ENFIELD in the Chair.

Mr. Adolphus Young.	Mr. Floyer.
Mr. Richard Bright.	Mr. Donald Dalrymple.
Mr. Dickinson.	Mr. Wilbraham Egerton.
Mr. Hanbury-Tracy.	Mr. Cross.
Mr. Welby.	Mr. Gordon.

Mr. *Nicholas Trengrouse*, Mr. *William John*, Major *R. D. Harrison*, and Mr. *John Burton*, Jun., were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 20th June 1870.

MEMBERS PRESENT:

Viscount ENFIELD in the Chair.

Mr. Dickinson.	Mr. Welby.
Mr. Richard Bright.	Mr. Dalrymple.
Mr. Hanbury-Tracy.	Mr. Wilbraham Egerton.
Mr. Cross.	Mr. Lusk.
Mr. Floyer.	

The Committee proceeded with the consideration of the Clauses of the Bill.

Clause 6.—Question, That the Clause stand part of the Bill—put, and *negatived.*

Clause 7, amended.—Question, That the Clause, as amended, stand part of the Bill—put.—The Committee divided:

Ayes, 5.	Noes, 4.
Mr. Welby.	Mr. Cross.
Mr. Dickinson.	Mr. Lusk.
Mr. Floyer.	Mr. Wilbraham Egerton.
Mr. Richard Bright.	Mr. Donald Dalrymple.
Mr. Hanbury-Tracy.	

Clauses 8, 9, and 10, *agreed to.*

Clauses 11 and 12, amended, and *agreed to.*

Clause 13.—Question put, That the Clause stand part of the Bill.—The Committee divided:

Ayes 3.	Noes 7.
Mr. Denman.	Mr. Cross.
Mr. Lusk.	Mr. Welby.
Mr. Donald Dalrymple.	Mr. Dickinson.
	Mr. Floyer.
	Mr. Wilbraham Egerton.
	Mr. Richard Bright.
	Mr. Hanbury-Tracy.

Clauses 14 and 15, amended, and *agreed to.*

Clause 16, *agreed to.*

Clause 17, *disagreed to.*

Clause 18, *agreed to.*

Clause 19, *disagreed to.*

Clauses 20, 21, 22, 23, and 24, *postponed.*

Clause 25, *agreed to.*

Clause 26, *disagreed to.*

Clause 27, *agreed to.*

Clauses 28, 29, and 30, *disagreed to.*

Clause 31, *postponed.*

Clause 32, amended, and *agreed to.*

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 23*rd June* 1870.

MEMBERS PRESENT:

Viscount ENFIELD in the Chair.

Mr. Dickinson.	Mr. Lusk.
Mr. Floyer.	Mr. Cross.
Mr. Welby.	Mr. Donald Dalrymple.
Mr. Wilbraham Egerton.	Mr. Hanbury-Tracy.

Postponed Clauses.

Clause 20 amended.—Question put, That the Clause, as amended, stand part of the Bill.—The Committee divided:

Ayes, 7.	Noe, 1.
Mr. Cross.	Mr. Lusk.
Mr. Welby.	
Mr. Dickinson.	
Mr. Floyer.	
Mr. Wilbraham Egerton.	
Mr. Donald Dalrymple.	
Mr. Hanbury-Tracy.	

Clauses 21—23, *agreed to.*

Clause 24.—Amendment proposed, in line 3 of sub-section 1, after the word "be," to insert the word "so."—Question put, That the word "so" be there inserted.—The Committee divided:

Ayes, 2.	Noes, 6.
Mr. Dickinson.	Mr. Cross.
Mr. Lusk.	Mr. Welby.
	Mr. Floyer.
	Mr. Wilbraham Egerton.
	Mr. Donald Dalrymple
	Mr. Hanbury-Tracy.

Amendments made.—Question put, That sub-section 1, as amended, stand part of the Clause.—The Committee divided:

Ayes, 2.	Noes, 6.
Mr. Dickinson.	Mr. Cross.
Mr. Lusk.	Mr. Welby.
	Mr. Floyer.
	Mr. Wilbraham Egerton.
	Mr. Donald Dalrymple.
	Mr. Hanbury-Tracy.

Clause 24, as amended, *agreed to.*

Remaining Clauses amended, and *agreed to.*

New Clause brought up, and read the first time.—Question put, That this Clause be read a second time.—The Committee divided:

Ayes, 6.	Noe, 1.
Mr. Cross.	Mr. Dickinson.
Mr. Welby.	
Mr. Floyer.	
Mr. Wilbraham Egerton.	
Mr. Donald Dalrymple.	
Mr. Hanbury-Tracy.	

Clause added.

Schedule considered.

Amendment proposed, in line 29, to leave out the words "registered pharmaceutical chemists"—(Mr. *Dalrymple*).

Question put, That those words stand part of the Schedule.—The Committee divided:

Ayes, 5.	Noes, 2.
Mr. Cross.	Mr. Donald Dalrymple.
Mr. Welby.	Mr. Floyer.
Mr. Dickinson.	
Mr. Wilbraham Egerton.	
Mr. Hanbury-Tracy.	

Another Amendment proposed, to insert the words "Commissioners for executing the Mersey Dock and Harbour Trust"—(Mr. *Cross*).—Question put, That those words be inserted.—The Committee divided:

Ayes, 2.	Noes, 5.
Mr. Cross.	Mr. Welby.
Mr. Wilbraham Egerton.	Mr. Dickinson.
	Mr. Floyer.
	Mr. Dalrymple.
	Mr. Hanbury-Tracy.

Another Amendment proposed, at the end of the schedule, to add the words "Registrars of Births, Deaths and Marriages"—(Mr. *Floyer*).—Question put, That those words be there added.—The Committee divided:

Ayes, 2.	Noes, 5.
Mr. Cross.	Mr. Welby.
Mr. Floyer.	Mr. Dickinson.
	Mr. Wilbraham Egerton.
	Mr. Dalrymple.
	Mr. Hanbury-Tracy.

Schedule, as amended, *agreed to.*

Preamble *agreed to.*

Bill, as amended, to be reported.

Motion made, and Question, That the Chairman do move the House for power to make a Special Report—(Mr. *D. Dalrymple*)—put.—The Committee divided:

Ayes, 4.	Noes, 3.
Mr. Cross.	Mr. Dickinson.
Mr. Welby.	Mr. Floyer.
Mr. Wilbraham Egerton.	Mr. Hanbury-Tracy.
Mr. Donald Dalrymple.	

[Adjourned till Monday next, at Twelve o'clock.

Monday, 27th June 1870.

MEMBERS PRESENT:

Viscount ENFIELD in the Chair.

Mr. Dickinson.	Mr. Welby.
Mr. Denman.	Mr. Donald Dalrymple.
Mr. Hanbury-Tracy.	Mr. Wilbraham Egerton.
Mr. Floyer.	

DRAFT SPECIAL REPORT proposed by Mr. Denman, read the first time, as follows:

"1. Before going through the more important clauses of the Bill, your Committee deemed it necessary to take evidence upon several points to which the attention of the Committees of 1867 and 1868 was not particularly directed, especially as to the new qualifications of county juries proposed in the Bill, and as to present qualifications of jurymen in cities and boroughs, and their efficiency or otherwise.

"2. Your Committee, having been convinced by the evidence before them, that the new qualifications of county juries proposed by the Bill were too high, have amended the Bill in that respect.

"3. They have also made such other alterations in the Bill as appeared to them desirable, with the view of enabling Parliament to pass the Bill, either in whole or in part, during the present Session, should it be deemed expedient.

"4. The

"4. The Bill, as amended, appears to your Committee to contain several valuable provisions; but it only deals with a portion of the law relating to juries, and your Committee feel that some inconvenience may arise from dealing with so large a subject in a fragmentary way, and submit to the House whether it would be more satisfactory that it should be left to be dealt with as a whole in a Bill to be brought in by the Government, at the earliest possible period, or whether the present Bill should be passed during the present Session.

"5. Your Committee find that, owing to the large increase in the burgess roll, caused by the "Representation of the People Act, 1867," and the number of persons qualified to serve as jurors under the "freeman's" qualification in certain cities and boroughs, the qualification of jurors in cities and boroughs is generally too low, and they are of opinion that a Bill to be brought in by the Government should contain provisions for the amendment of the law in that respect.

"6. The great diversity and irregularity which exist in different cities and boroughs in the methods pursued for forming jury panels and summoning juries require legislation, in order to ensure uniformity; but your Committee find it impossible to arrive at any specific recommendations as to the best mode of amending the law in these respects, without instituting inquiries which would occupy so much time as to render it impossible to return the Bill to the House in time to enable the House to pass it during the present Session, should it think fit so to do."

DRAFT SPECIAL REPORT proposed by Mr. Donald Dalrymple, read the first time, as follows:—

"1. YOUR Committee has taken evidence respecting the qualification of jurors, and the methods of forming jury panels and summoning juries in cities and boroughs.

"2. Your Committee are of opinion that, owing to the large increase in the burgess-roll, caused by the Representation of the People Act of 1867, the qualification of jurors is too low, and that it should vary in proportion to the population of the locality.

"3. The great diversity and irregularity existing in different boroughs and cities in the methods pursued for forming jury panels, and summoning juries, render one uniform system advisable.

"4. With regard to the remuneration of jurymen, your Committee are of opinion that cases of hardship will frequently occur through the application of the 31st section of this Act being limited to special jurymen and those actually engaged in trying common jury cases.

"5. Your Committee are of opinion that the importance of these questions demands further legislation, and recommend that a general Act should be brought in by Government next Session."

Question, That the Draft Special Report proposed by Mr. Denman be now read a second time, paragraph by paragraph—put, and *agreed to*.—Several Amendments made.

Question, That this Report, as amended, be the Special Report of the Committee to the House—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
John Freeman	Solicitor	Huddersfield	3	1 17 –	6 6 –	8 3 –
Frederick Deacon	Solicitor	Preston	3	3 1 6	6 6 –	9 7 6
Joseph Rayner	Town Clerk	Liverpool	2	2 18 6	4 4 –	7 2 6
Thomas Lings	Surveyor to Overseers.	Manchester	4	3 5 –	4 4 –	7 9 –
Wace Lockett Mendham	Town Clerk	Norwich	3	2 13 6	6 6 –	8 19 6
Nicholas Trengrouse	Auctioneer and General Agent.	Helston	3	6 16 –	6 6 –	13 2 –
R. D. Harrison	Under-sheriff and Solicitor.	Welshpool	3	3 9 –	6 6 –	9 15 –
J. Burton	Under-sheriff and Solicitor.	Lincoln	3	3 – –	6 6 –	9 6 –
				TOTAL £.		73 4 6

LIST OF WITNESSES.

Monday, 30*th May* 1870.

	PAGE
Mr. John Freeman	1
Mr. Joseph Rayner	7
Mr. Frederick Deacon	12
Mr. Abraham Greenwood Eastwood	17

Monday, 13*th June* 1870.

Mr. Henry Sadler Mitchell	20
Sir Joseph Heron	22
Mr. Wace Lockett Mendham	24
Mr. Thomas Lings	28

Thursday, 16*th June* 1870.

Mr. Nicholas Trevenen Trengrouse	32
Mr. William John	33
Major Robert Devereux Harrison	36
Mr. John Francis Burton	39

MINUTES OF EVIDENCE.

Monday, 30*th May* 1870.

MEMBERS PRESENT:

Mr. Richard Bright.
Mr. Cross.
Mr. D. Dalrymple.
Mr. Denman.
Mr. Dickinson.
Mr. W. Egerton.
Viscount Enfield.
Mr. Floyer.
Mr. Headlam.
Mr. Welby.
Mr. Adolphus Young.

VISCOUNT ENFIELD, IN THE CHAIR.

Mr. JOHN FREEMAN, called in; and Examined.

Mr. *J. Freeman.* 30 May 1870.

1. *Chairman.*] WHAT office do you hold?—I hold no office, but I have been engaged in registration courts, and have necessarily been brought a good deal into contact with overseers and guardians.

2. You are resident at Huddersfield, I believe?—Yes.

3. Mr. *Cross.*] You have been a solicitor in practice for some years, have you not?—I have been a solicitor in practice for 32 years.

4. Have you read the Jury Bill now before the Committee?—I have.

5. You were in this House on Friday last for the purpose of giving evidence before the Committee on the Registration of County Voters, and you stayed at my request to give evidence to day?—Yes.

6. Will you be kind enough to look at the 6th clause of the Jury Bill, which names the age of from 21 to 60 as the age at which jurymen should be liable to serve?—Yes.

7. Do you think it would be an advantage, instead of having 60 years, to raise it to 65 years?—No; I should not think it would be any advange to raise it to 65 years, because I think when any man is 60 years of age, he has seen his best days.

8. Are there not a large class of people who retire from business, and whose services up to the age of 65, might be very valuable?—Yes. but they would not be a very numerous class, I know that men of that class who have attained 60 years of age, almost uniformly ask to be relieved from attending.

9. Perhaps they would not be so anxious to be relieved if they knew that an additional payment would be made; is that your opinion?—I think that an additional payment would be a most excellent provision. I think it would lead people to attend who now attend very unwillingly; though 10*s.* may be a very small sum, it is a remuneration, and when a man gets his fare and his dinner he works much more readily.

10. You see that the 6th clause raises the qualification of jurymen to 50*l.* in certain towns?—Yes.

11. In your opinion, would that be an advantage or otherwise?—No doubt it would be an advantage, if you could obtain a sufficient number of men.

12. That is what the Committee are anxious to know?—It must depend on the return of the number of persons qualified.

13. How would it operate in Huddersfield?—We have a large population in Huddersfield; it is 70,000; and there would be plenty of men of that class both able and willing to attend, and also qualified.

14. You think that in the large towns which you know of in Yorkshire, no inconvenience would be felt from having the qualification at 50*l.*?—No, I think not in such places as Bradford, Halifax, Leeds, and Wakefield.

15. Take any great town, do you think that there would, in consequence, be any change in the number of jurymen who would be really qualified?—I have not the number of those who are now qualified, but it must be a very large number.

16. But if the qualification was raised to 50*l.* would the number be large?—Yes; if the qualification was raised to 50*l.* it must be large.

17. But would it strike off one-half of those who are on the list at present?—No.

Mr. *J. Freeman*

30 May 1870.

18. Not so much?—No; our streets are chiefly used as warehouses at large rentals, and our houses are very much more costly and valuable than they were a few years ago; I should think that every person in my neighbourhood, which is in the suburbs of Huddersfield, would be qualified.

19. Would that be the case in a place like Leeds?—Yes; there are 180,000 people in Leeds, and you would have plenty of men who are qualified.

20. Do you think that the fact of making out an alphabetical list, as suggested in this Bill, would do away with the objections of many people to serve on juries?—I prefer having an alphabetical list for the same reasons as I gave to the Registration Committee, that is to say, that all men qualified as jurymen, of every description, should appear on one list; you would see who are special jurymen and who are common jurymen at once.

21. But would you go down the list in order, or would you take the first 30 men, and then the second 30 men, irrespective of their qualifications and ages?—At first that would have to be done, but when jurors have served on assize, or on session, a certificate should be given which should exempt them for a time, and then begin with the others; and if a man were summoned and he showed his certificate, that should be an exemption until the others had served.

22. I suppose that in Yorkshire, as in other counties, the sheriff exercises a considerable amount of discretion in summoning persons?—Yes.

23. You have a different kind of juror for the assizes and for the sessions, have you not?—Yes.

24. If you took an alphabetical list, you would get a greater mixture, would you not?—Yes.

25. But would you take them in order, without regard to the mixture, or would you give the sheriff a discretion?—I should give him some discretion, otherwise all the men who stood within the first 25 names perhaps would serve for two or three years in succession.

26. No; after a man had served once, the officer would go to the next letter, would he not?—With that understanding, I agree to the proposition.

27. Although you might have some of your best men summoned to serve on the common juries?—I should not object to that, because the business now done at the assizes and at the court of quarter sessions is a very superior class of business, and there are not many appeals; but those appeals which do go to the sessions in Yorkshire are generally on important questions, and, I think, there are cases at the sessions which require as much ability and experience as at the assizes, though the assizes require, as a rule, the best men. The causes tried with us at the *nisi prius* court are generally of a higher class since the county courts were established; and we have no longer crowded lists as we used to have, and you always want first-class jurymen.

28. *Chairman.*] Have you looked at clause 7, raising the qualification of special jurymen?—Yes; the property list has very largely increased since the year 1865; where there was one man who occupied to that extent 45 years ago, there are now 20; and it is no hardship to set the higher man to do the higher work.

29. You do not think that the qualification would be too high?—No.

30. And you think that a sufficient number of special jurymen would be obtained?—Yes; I think that every special juryman in our part of the country has now that qualification. There has been a practice of men being returned as merchants, who only get themselves called merchants in order to go on the list as special jurymen, who are free from the obligation to serve on common juries. I have known that done; there should be some discretion used with regard to the description.

31. Mr. *Cross.*] Have you looked at the other clauses of this Bill?—Yes.

32. Do you wish to make any suggestions to the Committee on them?—Yes; there is one clause where the guardians of the parish are to examine and certify the jury lists, that is clause 17. According to what I have seen of boards of guardians, I think that they have now quite enough to do in poor law work only; but if they had not quite enough to do, I do not think the poor law guardians are the proper persons to do that work. In some cases they are men of considerable position, and with regard to the magistrates who are *ex officio* guardians, they would not know sufficient of the persons put on the list to discriminate those who are not of that class; they are not the proper persons to do it. Besides which, they have quite enough to do in all our parishes and townships; in fact, in every township we have an assistant overseer, who knows everything, and he could tell you the occupation and qualification, from the rate book, of every man; and whatever information the guardians obtained would probably be obtained from the assistant overseer, and therefore you might as well have it from him in the first instance, because you would then have the best information without cost.

33. You suggest that the overseers should be responsible for making out the list correctly, and that they should receive some adequate remuneration?—Yes, adequate remuneration if anything is needed; but there is really very little to do; a man would do it in one morning.

34. You would, however, suggest that it should be the overseer that should do it?—Yes, I would suggest the overseer.

35. Mr. *Dalrymple.*] Would you suggest the overseers in preference to the clerk to the guardians?—All the information that the clerk to the guardians obtains about the out-townships he gets from the overseers or their assistants, and so they are in possession of this information, and instead of making it out and taking it to the clerk of the guardians, they may just as well make it out in the first instance, and it may go to the magistrates at once; if you double the work of the clerk to the guardians, he would ask for and get an increase of salary, but the ratepayers would look very sharply after the rates.

36. Mr. *Cross.*] Will you be kind enough to proceed with any other observations you have to make with regard to the Bill before the Committee?—I approve very much of this Bill; I do not want to find much fault with it; but that machinery of the guardians would, I think, be injurious.

37. Mr. *Denman.*] About the limitation of age; I understand you to say that you think it would not bring in any very large number of jurymen to extend the age from 60 to 65?—I think not.

38. Have

38. Have you made any calculation of what the difference would be?—No.

39. But you have said that even at the age of 60, everybody who is exempt asks to be relieved?—Yes, I have seen it frequently.

40. Would not that be the same at 55 years of age?—If you put on a limit some would do it, but others would not, because they are hale, strong men.

41. But, according to your experience, do not many men take notice of the fact that they are 60, and are entitled to exemption, who, if they were in court, would be perfectly well able to sit on a jury?—I have seen them retire.

42. But have you not seen men exempted because they were 60 years of age, who have been just as well qualified to do a good day's work as many of the judges?—Yes.

43. Then again, should you not recognise this, which some other evidence went to show, namely, that jurymen between 60 and 65 would be men who would be less mixed up in business, and more free and disengaged to sit on juries and to consider questions impartially, and more likely to attend regularly?—I think where complicated cases come before the court of assize a man of 50 or 60 years of age is much more likely to carry the thing in his mind than a man between 60 and 65 years of age.

44. But that depends on the individual, does it not?—No doubt. No doubt there are men who are at 65 years of age quite as able as men at 60 years, but at the same time there are men of 50 years of age who are not equal to men of 60 years of age. I should say that the best thing is to fix a reasonable limit.

45. Do you consider 65 years of age unreasonable?—I think that a man ought not to be called upon to perform a public duty which would be done better by a younger man. The same argument has been raised about the judges.

46. My experience would go to this, that the judges do not begin to be in the highest degree efficient until they are 60 years of age; is that your opinion?—Mr. Justice Creswell was a most efficient judge before he was 50 years of age, in my opinion.

47. Will you be kind enough to tell me if you have made any calculation with regard to the probable effect of raising the qualification to 50*l.*?—No. I think within reasonable limits the higher you can go, so as to get a sufficient number of men, the more likely you are to have efficient men.

48. But you have not made any numerical calculations upon it?—No.

49. Who would be the best person to give such information; do you think that the overseers would be the best persons?—The overseers, with the clerks to the guardians, could give you a return of that kind, because returns are made of the number of houses of a certain rental.

50. Have you taken this into account, that by excluding men of any particular rateable value, though you may often exclude a person of inferior intelligence, still you may do mischief by excluding people who would undergo a useful process of education in the course of their duties as jurymen?—Yes, you may exclude very able men, no doubt.

51. But have you taken into account the advisability of keeping men on the jury list, in the absence of any conclusive reason against them, on the ground that it is desirable that every person who is fit for it should keep on the jury for the good it does himself, as well as the good it does to the public?—Yes, it is desirable that every man should do the duties of a citizen; but you adopt in many cases qualifications other than simple citizenship or personal ability.

52. But still, do you not think that it is desirable, not only for the work which they do, but also for the good which they themselves get in the process of their education as jurymen, that certain classes of men should perform this public function?—No doubt if you put a man of no property in a position where intelligence is required, he grows into it; only those are not the men who are always thought by men of property the likliest to decide questions of property.

53. You object to the proposal that boards of guardians should settle these jury lists; is there no other body which you could suggest as being a competent body to settle the list in case the overseers should not do their duty?—Where there are assistant overseers the publicity which the list receives, both by being posted up on the Sunday, and being taken to the magistrates' office, will, I think, prevent the risk of its being improperly made out.

54. We had a good deal of evidence before a Committee which sat two years ago, to the effect that the lists were very badly kept by the overseers under the existing law; supposing that should be so, and that the other proposals of this Bill should not be sufficient to prevent that, is there anybody that you could suggest to revise the list, after it has passed through the hands of the overseers and been published by them, other than the board of guardians?—Supposing the overseers are suspected of not doing their duty, anybody who suspected them should complain to the magistrates, and the magistrates should adjourn the hearing, and inquire into it.

55. But under the existing law that is so, is it not?—Yes.

55.* But some of the evidence was, that practically it is not so, and that the magistrates exercise no effective revision of the lists; is that your opinion?—No; I know that in the West Riding of Yorkshire they do exercise a practical revision over the lists; the magistrates in the West Riding of Yorkshire are a most excellent body of men.

56. But have they the necessary knowledge, or do they only revise the lists according to the facts before them; is there any person whose duty it is in practice, and who does, in practice, in the West Riding or anywhere else, call the attention of the magistrates to the fact that the overseers have carelessly prepared the jury lists?—People are pretty ready to tell the justices if anything is wrong; but I may, perhaps, say that the class of gentlemen chosen for magistrates now are not the landed gentry only, but they come from all the manufacturing classes, from the out-townships, and the sub-districts, and they know from their trade connections who is who.

57. Is it your opinion that, in point of practice, in the West Riding of Yorkshire, or any other place you know of, the magistrates do actually revise the list that is brought in by the overseers in any substantial or material sense?—Yes. The lists are posted on the church and chapel doors, and I have seen people looking through those lists on Sunday morning, and as long as ever they remain there I have seen them looked over by three or four people at once.

 58. But

Mr. *J. Freeman.*

30 May 1870.

58. But such revision as they exercise is almost wholly in the direction of taking off names and not of putting on names; is it not?—I should say that the tendency of the people is to have their names kept off the list; but when you raised the remuneration to a 1*l.* 1*s.* and 10*s.*, I think the sense of wrong under which people have laboured from being taken away from their business would be greatly diminished.

59. But is there now any revision by the magistrates which goes to the extent of placing any number of jurymen on the list who were not placed there by the overseer?—Not many, because we have a very efficient class of assistant overseers, and they do their work very well.

60. According to your experience the work of the overseers is very well done?—Yes; the assistant overseer does his work very well; he is a paid servant. I went through the whole Riding in 1859. I have been to most of the townships in Yorkshire, and except in one or two districts, wide-lying agricultural districts, the assistant overseers do their work very well.

61. Mr. *Dickinson.*] Do you consider that the magistrates at petty sessions act ministerially or judicially in revising the lists?—I have no doubt they consider they are acting judicially.

62. Has anybody a right to appear before the magistrates but the overseers, to object to the lists?—Yes; any person may go before the magistrates at petty sessions, and he must be heard against the list if he is a ratepayer. There is such an attention paid to those things with us, that I have seen in the registration courts the ratepayers attend and examine the accounts passed by the barrister for the assistant overseers. They count up the churches and chapels and the journeys he has made; he does not get sixpence more than the statute gives him. I have seen an overseer oppose his own assistant and tax his bill.

63. The qualifications under this Bill are taken from the rating or the inhabited house duty list, are they not?—Yes.

64. Do you consider that the present mode of publication is the best mode of making the list public, namely, a copy being posted at chapel and church doors?—Yes, I do; I know it is very much looked at from what I have seen.

65. According to the present practice there is no distinction between common and special jurymen on that printed list, I believe?—No.

66. Would it be an improvement if you had a distinction made by the overseer, so that everybody might know who was on the common jury and who was on the special jury list?—Yes, I should think that would be a great improvement; they would take care that no one went to get his guinea unless he was qualified.

67. The list would be made out now from the voters' list and the rating list, I presume?—Yes.

68. It would be very little trouble for the overseer to make a copy of the jury list, would it not?—Yes, he would get the copies printed; he ought to be allowed his expenses of printing.

69. On the question of qualification, do you think it would be desirable that all professional men, such as lawyers and doctors, should be on the special jury list as a matter of course, who are not in actual practice?—Yes, I think those who are not in actual practice should do their duty to the State.

70. You would put on the special jury lists doctors, lawyers, and clergymen, who are not doing duty, or graduates of universities residing in the neighbourhood would you, treating them simply as men of education and intelligence?—I would place them on the special jury.

71. Would you extend the qualification for special jurymen beyond the point mentioned in the Bill?—They are called upon to try very intricate cases, cases of water rights and so on, and the more intelligent the men you have on the jury the better.

72. The qualification at present is, "Esquire, Banker, Merchant," or a person occupying a private house rated to a certain amount?—Yes.

73. Would you add to that list the class of gentlemen such as I have named; professional men who have ceased to practice, and graduates of universities?—Yes; if a man retires from practice he retires because he is able to retire.

74. I am supposing that the man is not occupying a house with a sufficient rental; would you then put him on the special jury list?—Yes, on account of his fitness for the office. I have been always of opinion that there should be a marked distinction between the special and common juries, on account of the intricacy of the cases tried by special juries, especially of men who have to go viewing.

75. Service on a jury is to exempt a man from being summoned again until the list is exhausted?—Yes.

76. Would you consider it to be service on a jury for you to attend at the assizes, although you may not have served?—I think that should be so, because a man has done his duty by attending the court; he may have 20 or 25 miles to go; he does not get his guinea, and another man is called and he gets his guinea; but the man who has fulfilled the duty ought, I think, to be in quite as good a position as the other.

77. Now with regard to the mode of getting a person relieved from attending, who has once served; would you suggest that the sheriff should keep a list of those who have been summoned and have served, and send it to the overseers?—A sheriff should mark his own list at every assize, showing who have served, and he might send a copy to the overseer, and he might mark it in the list for the next year with the letter "S," "served," just as the overseer marks the county voters' list "Ob.," "objected to."

78. Do you think it desirable that on the published list every year should appear those who would be exempt on account of previous service?—Yes.

79. Would it be better to send that list to the overseers or to the clerk to the magistrates?—I should think it would be better to send it to the overseers, because the first operation in the following year is done by the overseers.

80. Do you think it should be done by the sheriff or the clerk of the peace?—The clerk of the peace would do it for the sessions, and the sheriff would do it for the assizes.

81. You would recommend that course to be adopted, would you?—Yes; I have a very strong conviction, from my long experience, that one list is the best; the more nearly you get a perfect list without having to refer backwards and forwards the better; then you know who are special jurymen, who are common jurymen, who have served on the jury, who are to come next, and the men who had to come next would know, and the men who had served would know their turn.

82. With regard to the service being alphabetical;

etical; do you think that is desirable, or would it be better to leave the sheriff to summon his jury, having regard to those who had served before?—Yes, I have myself applied to the clerk of the peace in such cases; the letter "W" is a long letter in all places; in our part there are so many persons whose names begin with the letter "W" that they get called over and over again, whereas if all the "W's" who served this year were marked off, there would not be so many "W's" left to draw upon in the next year, and so the other men must come in. It is a continual complaint, that they do get called upon over and over again.

83. But do you recommend that the jury service should be in alphabetical rota, or that they should simply be called by the sheriff as now, care being taken that no man should be summoned again until the list is exhausted?—The sheriff can hardly tell that unless he keeps a list of those who have served; if he does that, he will not call over and over again the same man. But, as a matter of course, instead of taking it off-hand, as they do now, a sheriff will say, "That man has served; you must call the next."

84. But I understood you to say, that an alphabetical rota had better be followed in summoning the jurymen; my question is this, is it not better to let the sheriff summon indiscriminately, care being taken still that no man should be called a second time until the whole list is exhausted?—Yes; the answer I gave was only that which I could give again, namely, that the sheriff cannot always call to mind who have served.

85. It is notified on the list, is it not?—Not now; but it would be if my suggestion were adopted. When you have served once, the letter "S" should be put against your name.

86. Do you think it is better to adopt that mode of keeping the service fair, than to adopt the alphabetical mode, and run down through the whole of the list?—I think it would be better as you put it.

87. That is to say, to summon indiscriminately; taking care that no man should be summoned a second time before the list was exhausted?—Yes; I do not want all the "B's" to be called at one assize, and all the "S's" at the other.

88. Have you any suggestion with regard to a quarterly statement during the year, of the changes that have taken place being made to the sheriff?—No, there is no necessity for that; the lists of jurors are so long that any changes are not of great importance between one revision and the next.

89. In any case, you think it would still be necessary to go through the form of printing and putting a copy of the list at all chapel and church doors?—Yes, that is the best way of obtaining publicity; but the names of those who were on before should be marked by the overseer the same as he marks the list of county voters, and those names should be taken off by the magistrates.

90. Would you not make it the duty of the overseer every quarter to send in a list of those who had died or who had removed?—No, I do not know that that is necessary; it depends on the number. The lists are so long that those who die, or those who remove, are comparatively few.

91. Mr. *Young.*] Have you ever had a complaint made against the sheriff, either for partiality in summoning juries, or that men unintentionally were summoned by him out of their turn more frequently then they should be in fairness to themselves and to others? — Yes: not intentionally; I have had myself to apply to the sheriff about that.

92. If that is the case, do you not think that an alphabetical mode of summoning would, to a great extent, get rid of the possibility of anything of that kind?—Yes, unless you adopt the system of marking a man as having already served with the letter "S." I recollect just now three gentlemen for whom I applied to the sheriff to have their summonses withdrawn; one was a gentleman of the name of Wrigley, the other was a Mr. Webb, and the other a Mr. Willans; they were all "W's."

93. A very simple mode, and one that must preclude any idea of the returning officer ever summoning anyone out of turn, is, that it should go alphabetically; I mean as a matter of confidence to the public; is not that so?—Only that by that means you do not obtain that general mixture of men which you otherwise get.

94. You would leave it to the discretion of the sheriffs, in fact, to make juries, he knowing the character of the people?—It must necessarily be so the first time after the Act has passed, but the second time he would have to reject all the "S's," or he would begin and take a few "A's" and a few "C's" of the men who had not served, in order to obtain a varied jury.

95. I suppose for that purpose the sheriff must to some extent know the character of the persons whom he summons?—No, not their character.

96. How can he tell that all the "A's" would be just as good a jury to try a case as if he took some "A's" and some "B's"?—Probably he would make up a more diverse jury by selecting some from one letter and some from another rather than all from one letter.

97. Mr. *Egerton.*] Do you approve of the higher qualification in this Bill?—As applicable to the north of England, I think so.

98. Do you think that there should be any different qualification for the grand jury at the assizes?—I have not considered that question, but I do not think that grand juries are so much use as some people appear to think them.

99. Do you think that there should be any difference in the grand jury at the quarter sessions?—I should make no alteration in the present system; they are the very same class of men who go to the grand jury at the quarter sessions.

100. Mr. *Dalrymple.*] Do you now allude to juries in cities and towns as well as in counties?—Yes, I allude to them all.

101. Are you prepared to fix the qualification for common as well as for special jurors as high as it is in this Bill?—Yes; I think with regard to the qualifications for special jurors under this Bill you would find plenty with that qualification.

102. That is to say, rated at not less than 50 *l.* a year?—Yes, in manufacturing towns.

103. You are not at all afraid that by keeping the qualification at that rate you would throw the work on too limited a number of persons to do it fairly?—Not in Yorkshire, where the rents are very high.

104. Are there not a good many small shopkeepers in those towns who are rated considerably below 50 *l.*?—Yes.

105. Who

Mr. *J. Freeman.*

30 May 1870.

105. Who would make very good common jurymen?—Yes, some of them would, but as a rule the others would be more fit.

106. Mr. *Welby.*] Supposing it was still considered desirable, notwithstanding what you have said, to have an intermediate examination of the lists between the overseers and the justices, would the union assessment committee be a better body than the general boards of guardians?—The union assessment committee with us are the guardians.

107. The committee consists of the whole of the board, does it?—In our part of the county there is first a valuation made by order of the assessment committee, then the committee meet to hear appeals; but they never interfere with the valuation unless there is an appeal, otherwise it goes on the basis of the rate; the board of guardians and the assessment committee are virtually the same; not all the guardians are members of the assessment committee, but there is an assessment committee selected from the boards of guardians. I would rather it were left to the assessment committees than to the boards of guardians; they are the pick of the board.

108. With the necessary information always ready to their hand, it would not be a great labour to impose upon them, I suppose?—No; but they have still plenty to do. I feel that there are objections to placing any of those duties in the hands of the poor law guardians, who are elected entirely for the purpose of the poor law, and have a great deal of work to do.

109. Are the county grand jurors taken from a separate list or from the general list?—I do not know.

110. What are the sessions grand jurors taken from?—They go from the general list; the clerk of the peace sends them from the general list.

111. Mr. *Floyer.*] You said, in reply to an honourable Member just now, that you thought the jurors taken from the list of those who are rated above 50 *l.* would be a better class of men than those below 50 *l.*; what are the qualifications that you look for; do you think that there are other qualifications besides natural quickness of perception and good education?—I can only repeat what I have said, that no man can rate education higher than I do, who have taken a great interest in all education movements; but when persons are called upon to decide questions of property it would not be so satisfactory to have those questions tried by persons who have no rights of property, and no understanding of that kind. A man may be very intelligent without caring much for the rights of property.

112. The rights of property would rather be a subject of inquiry before special jurymen, would it not?—Sometimes; but those questions are dealt with by common jurymen.

113. But the vast mass of business before the common jurymen are criminal trials, are they not?—No, not the vast mass; we have a large number of civil causes at every assize in the year.

114. But nothing in proportion to the criminal trials?—No.

115. Then the business which comes before the petty juries are chiefly trials relating to criminal matters?—Yes.

116. Do you not think that the class of persons rated below 50 *l.* are rather specially qualified for trying ordinary criminal cases?—In criminal cases, I should say yes to your question.

117. There are many small shopkeepers who would be the best men to try a case of stealing from a shop, are there not?—Yes.

118. Would it not be a very great loss to the list of jurors if we were to exclude that class of persons who were specially conversant with all those minute circumstances which arise in the great majority of criminal trials?—There would be some inconvenience; but on the balance of convenience I think it would be better as it is in this Bill.

119. You have said, with regard to questions of property, that a higher class of rated persons would be the best to make juries?—Yes.

120. But that is provided for by the elimination of a certain portion of those summoned to serve on the jury for the purpose of serving on the special jury, is it not?—Yes.

121. Then the jurors who might be summoned, being rated at a lower rate are, I think you admit, specially qualified to try ordinary criminal trials?—Yes, some of them are.

122. Do you think that the education of persons rated at a lower rate than 50 *l.* a year is very often quite equal to the education of persons who are rated above that rate?—Yes, I know many instances of that kind; I have attended mechanics' institutes as manager of some of those institutes, and I can say that the children of some mechanics there are better educated than many of the middle-class children.

123. Is not the education in national schools often of a superior character to that given at schools to which a higher class send their children?—Yes, I think so.

124. Then it would not be always the consequence of raising the rateable qualifications of jurors that we should get a person more highly educated?—No; although they are, what I may call technically, more highly educated, yet many things enter into the general education of a man to qualify him for public service which he cannot obtain by a mechanics' institute, or a national school education.

125. But the public service of a common juror is in most criminal trials merely an inquiry into the evidence as bearing upon the truth or not of certain alleged facts, is it not?—Just so.

126. That does not require a highly educated mind; I mean a mind educated in the higher classes of instruction?—No.

127. But it requires a mind rather educated to discover the truth on a statement of facts laid before it, does it not?—Yes.

128. That you would be quite as likely to find among the lower class of shopkeepers as among a higher class, would you not?—Not always. I have given great attention to the education of the lower classes, and I know pretty well how their education goes on.

129. The duties of jurors are looked upon, by most of those who serve, as duties rather laborious, and in most cases as a service from which they would rather be exempt; is not that so?—Many of them would rather be exempt, but many others take a great delight in it.

130. Especially the special jurymen, I suppose?—Yes.

131. But a good many desire to be exempt from serving on a jury, do they not?—Yes.

132. Would it be hard on the higher class of rated persons to throw the whole burden on them, and exempt the persons of a lower rating if there

there was no strong reason for doing so?—Wherever you put the limit it would be the same: the man below your mark might think himself wronged in one way, or the man above might think himself wronged in another.

133. Would it not be proper to try to hit that line of demarcation which would be drawn between the operative class and the class who live not by daily work and wages?—No; I think that would include a great many men who, although they do not do daily work and receive wages, are yet in a worse position than many men who do; there are many small shopkeepers, for example, to whom that would apply.

134. Obviously it might be very hard for a man who depended on daily wages to be called upon to serve as a juryman, might it not?—Yes, unless you remunerate him.

135. If a shopkeeper can get his work done by his wife or some one else, his presence is not so essential for his work as that of a daily labourer, is it?—No; and that is the case with a large manufacturer or merchant. His business is wound up by him the first thing in the morning, and it is carried on by the assistants in the absence of the principal.

136. But clearly, the lower you go down in the scale of qualification the less is the hardship on those who serve, and the less is the ground of complaint as against those who are excluded, is not that so?—Yes. One thing occurs to me, that is, if you were to exclude all men who were on a level in society with the higher classes of operatives, in cases of trials of a public nature, or where there was excitement, there might be great fault found by men saying they were not tried by men of their own class and rank, but by a class who were just then antagonistic to them.

Mr. *J. Freeman.*

30 May 1870.

137. That is an argument for putting the qualification as low as you reasonably can consistently with obtaining a proper and efficient class of men, is it not?—Yes, to that extent, but it only applies to a particular class of cases, which is a small minority.

138. The principle of the law is, that every man is to be tried by his peers, his equals in condition and rank?—Just so. But where you come to try property cases, with the law of which that class of people is unacquainted, it would be a great hardship for the propertied class to have their rights decided by them.

139. But that applies again to the class of special juries, does it not?—Yes; but you would always have some argument on each side.

140. *Chairman.*] Have you anything further that you wish to state to the Committee?—No.

Mr. JOSEPH RAYNER, called in; and Examined.

141. Mr. *Cross.*] YOU were Town Clerk to Bradford from the year 1861 to the year 1866, were you not?—Yes.

142. And in the year 1866 you were elected Town Clerk of Liverpool?—Yes.

143. And you have held that office ever since, I believe?—Yes.

144. Will you be kind enough to tell the Committee the number of burgesses on the roll at Liverpool?—Forty-three thousand two hundred and twelve.

145. How is that as compared with the electors on the Parliamentary list?—On the Parliamentary list there are 37,080.

146. What is the population of Liverpool?—The population of Liverpool now is about half a million, a little over half a million.

147. Out of all that number, how many do you think are qualified at the present time to serve as jurymen, including special jurymen?—Taking the whole list of 43,000 burgesses, I should think that, including also the small freeholders, not more than 15,000 are fit and qualified to serve; I mean qualified in point of qualification under the statute, and so fit as to be selected by the officers.

148. How many are there actually on the jury list?—I have not that information, but I can give you the parish of Liverpool; it is 3,300, I think. The difficulty of the sheriff is this, that there are cross boundaries; we can give you the parishes which are entirely within the borough, but there are townships and places, such as West Derby and Toxteth Park, where the borough boundary intersects the parish boundary; but I will send up the best return I can in a statistical table.

149. I believe you have a great number of small freeholders?—Yes, we have a considerable number of small freeholders, and, of course, in a place like Liverpool, where the rateable value is high for the class of dwelling, there are a great many people whom I think the officers, who have a discretion, would prefer not to summon.

Mr. *J. Rayner.*

150. Will you now be kind enough to inform the Committee the number of jurors who are summoned every year; first of all take the passage court?—Yes, that is a peculiarity applicable to a borough having a separate court of quarter sessions, that is to say, the quarter sessions jurors are taken from the burgess roll.

151. How many sessions have you during the year?—We have eight.

152. How many jurors are summoned to the quarter sessions?—Twenty-three grand jurors; and though the clerk of the peace is really limited to 60, he summons 80 common jurors every session. He could not do with less; that gives 184 and 640; that is to say, 824 for sessions purposes.

153. What is the qualification for those jurors?—Simply that they are on the burgess roll, and between the ages of 21 and 60.

154. Now with regard to the court of passage, will you be kind enough to explain what that court is?—That is a very important court of record in Liverpool, of which Mr. Pickering is assessor at present, who tries about 200 civil causes a year. We summon, also from the burgess roll, four times 60 for the common juries, and four times 24 for the special juries, the special being practically the same as in the county list, that is to say, by the Local Common Law Procedure Act, bankers, merchants, and esquires. That makes 336 jurymen for passage court purposes.

155. At the quarter sessions you have two courts sitting at a time, have you not?—Yes.

156. And only two?—Only two.

157. Now with regard to the county courts; how many causes were tried last year?—I find that last year there were 26 causes tried. The

Mr. *J. Rayner.*

30 May 1870.

county court jury list is summoned under the 72nd section of the first Act of Parliament on that subject, and taken from the sheriff's county jury list; it is not limited exactly to the borough, for it includes one or two out townships. There were 130 mainly from the borough, that is to say, 130 jurors actually served last year; 384 were summoned.

158. Then I suppose there were a good many juries on compensation cases? — Yes. When street improvement work is brisk we have two or three a week; those are special juries chiefly.

159. Can you inform the Committee of the number of inquests on which coroner's juries have been summoned?—There were no less than 856 inquests last year, and 2,304 jurymen actually served on coroner's juries, some of them being very serious cases, and one involving a sitting extending at intervals over some weeks; it was a case to inquire into the causes of the fall of a warehouse.

160. If you add all that number up to together, for borough purposes the number of jurors who actually served would be 3,594?—Yes, it would be 3,594, those who actually served.

161. Mr. *Floyer.*] And some of those jurors served over and over again I suppose?—No. I am registrar of the passage court, and my deputy and the clerk of the peace, in order to avoid that, compare notes together from time to time. I think a Court of passage juror is not summoned oftener than once in four years, and in the court of quarter sessions it would be about the same.

162. I believe that serving for borough purposes does not exempt a juror from being called upon to serve in the county for county purposes, does it?—Just so, excepting county sessions.

163. How many assizes are held in Liverpool for county purposes?—There are three, both for civil and criminal purposes.

164. How many jurors are summoned for those assizes?—I could not say.

165. Now, supposing the qualification of a juror was raised to 50 *l.* as proposed by the first clause in the Bill, do you think it would materially diminish the number of persons qualified and fit to serve as jurors? — Yes, I think it would.

166. By what proportion would the number be diminished in Liverpool? — I should have stated that it would have taken out nearly two-thirds, but I could with a little trouble give the Committee that return from an examination of the rate book; it would not be more than a day's work for a clerk.

167. But you think that it is nearly two-thirds?—Yes, I think it would take out two-thirds if you increased the qualification from 20 *l.* to 50 *l.*

168. That would make a serious difference in the way in which men were called upon to serve in the borough, would it not?—No doubt it would make a very serious difference; perhaps the Committee will allow me to make a suggestion. I observe, as the Bill stands, it follows the existing law, there is no exemption at all for county purposes by service for borough purposes; and I would suggest that one of two things should be done, either that the men should be exempted altogether for county purposes, or at all events, that service for borough purposes should exempt for a certain period from county service. I think for criminal purposes, at the assizes and the sessions, service should be an entire exemption with regard to county purposes. With regard to the civil business, it is a question whether it should be an entire exemption, or only for a time; but I hope the Committee will see that that is a point which requires some attention. I should say that the county court service, and service on compensation juries, might be disregarded, for it is never more than a service of a few hours.

169. On the other hand, there are the jurors who attend on coroner's inquests, are there not?—That is a case which requires serious consideration, because it is a real tax on a man; but I believe, as a rule, that the men who serve on coroner's inquests are taken from the lower class, with the exception of very special cases, such as the fall of the warehouse which we had the other day; but in a case of accidental death, which more frequently happens in low neighbourhoods, it is usual to take the better class of householders round about the place.

170. Now to go back, you say that the number would be reduced by about two-thirds; do you think many of those people who would be struck off by raising the qualifications would be persons who were very well qualified to serve on juries?—Yes.

171. You would lose a great number of men peculiarly fitted for it by the nature of their business if you were to do so, would you?—Yes; you would lose a great many intelligent men. Speaking of Liverpool only, I should say if you came down to 40 *l.* that would be about the mark, but I am not sure that 40 *l.* would not be too high in towns of 50,000 inhabitants. In Liverpool of course the rents are high, and the rateable value is high; it is rather an exceptional case. Perhaps it might be well if you could go down still lower, and coming to towns of not more than 50,000 inhabitants make it 30 *l.*, in fact, apply it to the whole of the country, and then in towns of from 50,000 to 100,000 inhabitants, say 30 *l.*, and above 100,000, say 40 *l.* I do not mean so much with regard to the different class of men you would obtain as to make due allowance for the difference in the rateable value in certain large towns as compared with small towns. There was a very exceptional piece of legislation putting Liverpool at 13 *l.*, London at 20 *l.*, and Manchester and Birmingham, and another town, at something less in "The Poor Rate Assessment and Collection Act, 1869."

172. I think you stated just now that in some special case relating to the fall of a warehouse, a very intelligent jury was summoned before the coroner?—Yes.

173. Would it be advisable to take away any of the discretion which now rests with the sheriff in summoning jurymen; would you prefer the alphabetical system?—I should not take the alphabetical system for two reasons. If you take all the alphabet you are likely to get relatives on the same jury, and to take two members of the same family away from home at the same time; when the new list came in, and the new A's and the new B's, and so on, you would not get the whole of the A's or the whole of the B's on the list; you would the first time, but not afterwards, so you would get a mixture of men to perform the duty; but the under-sheriff will tell you that there is no difficulty whatever in the list being made perfectly impartial.

174. Would you indiscriminately make the sheriff's

sheriffs summon the same class of jurors for the assizes as he does for the quarter sessions?—Yes, but I should not mix up the two lists; I should not think there was any necessity to mix up the special jury and the common jury list, and make the special juryman serve on common juries; the great hardship has been the paying of common jurymen only 8*d.* a cause, and the special jurymen a guinea a cause. If you could alter it so as to pay them a little more equitably, say 10*s.* to the special jurymen a cause, and 5*s.* a cause to the common jurymen, and you took care that at the assizes the common juries for the civil and the criminal courts should be taken in the same rotation, which the under-sheriff could manage without difficulty, the hardship would be done away with.

175. You think, do you not, that the provision in the Bill with regard to that is a very proper one?—Yes, I think it is a very proper one; but I doubt the feasibility of paying jurors by the day.

176. You would rather pay by the cause?—Yes, I would rather pay them by the cause, simply for the sake of assessing the suitors.

177. If a man is summoned to attend at the assizes, and he is not called upon to serve, how is he to be paid?—That would not be the case, because the under-sheriff would not allow the same jury to try too many causes.

178. But it invariably happens that some juror will be left out, does it not?—Perhaps so; but I will leave Mr. Deacon to speak to that.

179. Is any injustice felt at the number of exemptions from serving on juries, do you think?—No, I think not; the exemptions in boroughs are principally the members of the council, and, by courtesy, the borough assessors and auditors are exempt too, and I think that that should be continued.

180. I suppose you are aware that this Bill does not propose to exempt councilmen and aldermen?—Yes.

181. Do you object to that?—Yes. It is a question of getting a fair amount of public service out of every man, and I think aldermen or councillors, or even borough auditors, serve the public quite as much as a juryman would do, under the Bill, as proposed, taking every man in rotation.

182. What do you say about the age up to which jurymen are to serve being raised to 65?—I should be very much in favour of increasing the age to 65. Of course there are physical infirmities to which due regard must be had, but that, independently of that, you get men of matured judgment and of great experience at that age.

183. There is a large class of men who practically at that time of life have nothing to do?—Yes, a great many in large towns.

184. Who would perhaps take an interest in being summoned?—Yes, if we look at the judges and men who serve in other capacities we find that we obtain fair service out of men at the age which is now lost in the matter of juries.

185. Are there any other provisions in the Bill that you wish to say anything about?—There are one or two points of detail. There is clause 7, with regard to the qualification of a special juror. I think that the definition of a merchant or banker would be much better

omitted. I have not seen much evil arising from it in Liverpool, but in Yorkshire I have seen a great deal of evil arising from it. I have seen very superior men serving on a common jury, and very inferior men on special juries, because "merchant" is too general a term; small commission agents and potato merchants, and people of a very inferior class to large spinners and manufacturers, whom I have seen on common jury causes, get summoned on the special juries. Esquire has a definite signification.

Mr. *J. Rayner.* 30 May 1870.

186. *Chairman.*] What is the definite meaning of the word "Esquire" in your opinion?—A justice of the peace is an esquire and a barrister at law is an esquire.

187. Can you carry it any farther than that?—No.

188. Mr. *Cross.*] With that exception then you would have it simply a pecuniary qualification?—I think the rateable value of a dwelling-house, or the occupation of premises of the value of 200 *l.*, or a farm of not less than 500 *l.*, would be the right thing. With regard to the "20,000 inhabitants," it is a question whether you should not make it 50,000, I think. Clause 16, I think, should inflict a penalty on overseers for wilful mis-description, or for inserting a juryman in the special jury list, who is not qualified. Then in Clause 24, sub-sections 1 and 2, I think, might be omitted, if the common jurors are paid so much a day, or so much a cause, with a provision for their being called in rotation. I am afraid you would get an incongruous mixture which would not further the ends of justice if you called upon the county gentlemen to act with those men. I would rather leave the suitors who now have the choice to take a special jury in important causes. The inconvenience of paying by the day is simply this, that either when a cause is entered, or even when it is tried, and the verdict given, it would be difficult for any officer of the court to assess what payment should be made by the suitor. I think Mr. Deacon and myself would be pretty well agreed, that 10*s.* a cause for special jurymen, and 5*s.* for common jurors, would be about the proper scale, with this provision, that if the cause lasted more than a day, the fee should be doubled perhaps.

189. You know, of course, very well the class of men who serve as jurors at your quarter sessions in the borough?—Yes.

190. And you know by hearsay, the class of men that come before me in the county sessions, do you not?—I cannot say I do.

191. Do you know that the jurors who serve in the borough are a more intelligent set of men than those that come before me in the county sessions?—No doubt, but ours are a select jury.

192. How are they selected?—Mr. Wright, the clerk of the peace, and my deputy registrar, who are very old inhabitants, know how to chose a good jury.

193. You would say then that a very large number of people, who are on the jury list in the Borough of Liverpool, are never called upon to serve at all?—Yes.

194. Because of their unfitness?—Yes. I may inform the Committee, from my experience of Yorkshire, I know that the Yorkshire attorneys have always a very high opinion of Liverpool juries. We used to consider a Liverpool com-

Mr. *J. Rayner.*

30 May 1870.

mon jury equal to a special jury in Yorkshire for commercial purposes.

195. Was that because all the unfit people were kept off?—I would not say that.

196. If you were to adopt the alphabetical system, and you were to begin with the letter "A" and go down to "Z," the character of the Liverpool jury would deteriorate, I suppose?—Very much.

197. Mr. *Headlam.*] Are there any complaints in Liverpool of the working of the jury system?—I think not, except that of common jurymen being paid 8*d.* We have a scale in the passage court by which the common jurymen get up to 20*l.* a fee of 6*d.*, and above 20*l.*, 8*d.* The special jurymen get 10*s.* 6*d.*, and no doubt there is a complaint on that score. Some men would rather be on the special jury than not when trade is not particularly good; they make perhaps four or five guineas a day.

198. There being a good deal of discretion now exercised in forming juries, is it your opinion that it is desirable that such a discretion should continue?—No, I think not. I think the lists should be so made that there should be uniform service.

199. But would you not propose to select the best men?—I would raise the scale to 40*l.* in large towns and strike out all the freeholders.

200. Do you think that with that there would be no necessity for any further legislation, and that the law would work with justice and secure you a good class of juries?—Yes.

201. Supposing the fee was increased as proposed, do you think that people would then become desirous of serving?—Perhaps they would not become desirous of serving.

202. But you think that they would not be very much dissatisfied?—Yes.

203. And that there would not arise complaints from men being called upon to serve?—No, I think not.

204. Mr. *Denman.*] When you spoke of raising the qualifications, as proposed in this Bill, having the effect of diminishing by two-thirds the total number of persons qualified, did that have reference to the 43,000 now qualified, or to the 15,000?—That had reference to the 43,000, because the 15,000 are those whom I now consider qualified and fitted to serve; but I could give you a statistical table about that.

205. Would the 15,000, who would be left by such a raising of the qualification, be substantially the same men as those whom you now name as qualified and fit to serve?—Yes, substantially they would be the same.

206. So that really, if this clause were carried out, it would leave the persons whom you began by stating to be 15,000, and fit and qualified to serve?—Yes, about that; but it is very difficult to say, without the exact figures before you, whether I should give you the 50*l.* or the 40*l.* qualification.

207. But, speaking in the rough, it would be really reducing the list to the 15,000 qualified and fit persons?—Yes.

208. You said that you would not take the alphabetical system; is that for the reasons that have been given before?—Yes.

209. You gave two reasons; one being that it would bring people of the same family, and people from the same place, to serve on the jury?—Yes, one juryman would be the relative perhaps of another juryman; for instance, two brothers might be taken away from home t serve on the same jury.

210. But that not unfrequently happens now I believe?—I am not aware of it.

211. In Liverpool it may not happen, but in other places it certainly does; are you aware o that?—Perhaps so; that would be both an evi and an inconvenience.

212. Would you be kind enough to give the Committee your reason for not giving the sheriff a discretion as to the selection of jurors?—I should require the sheriff to take four or five A's and four or five C's, and go through his list in that way. He would keep a record of those who had served, and when the new list came in from the overseers, he would put a mark to indicate those who had really served, and so on, until he had exhausted the whole.

213. But what is your great objection to the sheriff having the discretion, which in practice he now has?—My objection is simply on general grounds. I object to giving any discretion that can be avoided.

214. Your objection is on principle because it may cause offence, I suppose?—Just so; it gives rise to suspicion, though the sheriff would do no wrong.

215. You do not approve of the doctrine which is rather adopted by some of the great authorities, that by mixing up the special jurymen with common jurymen in criminal cases, you would give a better tribunal for a trial in difficult criminal cases?—No, I do not attach much importance to that.

216. The common juries in Liverpool are exceptionally good, you say?—No doubt the Lancashire juries are very good juries.

217. You have said that some men would rather be on the special jury than not?—Yes; I know that for a fact: that is more perhaps in connection with compensation cases than any others.

218. Do you find that those gentlemen who have a particular fancy for being on the special jury are very often somehow or other found on special juries?—Yes, I have noticed the same faces appear pretty often; it is difficult to account for it by accident.

219. Have you had any experience of the working of juries except as an official?—Only as an official and an advocate. I conduct nearly all my own compensation cases.

220. Is a man any better juryman for being fond of being on special juries?—No, it is rather the contrary, I think.

221. Is he not rather the worst specimen of a juryman you can have?—I should say he is none the better.

222. Mr. *Dickinson.*] With regard to securing a juryman from being re-summoned, you would make the sheriff the sole keeper of the record, I suppose?—Yes, I think I should not intrust that to the overseers.

223. Would it not be desirable that the sheriff should at the end of the year send to the overseer a copy of his list so altered that he may put it on the next year's list?—No, I would require the overseer to return every one liable to serve, irrespectively of whether he had served or not.

224. How then is a juryman to know that he is relieved from service?—He obtains a certificate when he has served; certificates are given now.

225. With regard to the payments to jurors, would

ould it not be better that all payments for the ssions and assizes should go into one fund and e divided among the jurymen who attended?— it were feasible, that would be more equitable o doubt. The only hardship that I see is the ict that in serving on the criminal side a jury- an gets nothing. It is a question whether irors on the criminal side should not be paid ut of the consolidated fund.

226. With regard to juries who are now paid, ould it not be better that they should be paid *ro ratâ* for their services out of the fund which ie assizes itself furnishes; there is a certain mount of fees earned by the juries at quarter ssions, is it not better that that should be ivided among those who attend and serve, than iat each man should be paid for his own ser- ice?—Probably it is, but it is not free from ifficulty, because if a man serves you are quite ure he is in court, but in Liverpool the jurymen o not wait in court, I think. I think that when jury is sworn, the others go and attend to their wn business, so that the men who serve do more uty than the men who do not serve.

227. Do you simply suggest a double fee for a ryman that is attending more than one day?— hat is if a cause lasts more than one day.

228. That is to say, if a cause lasted four or ve days you would only pay him 1 *l.*?—If you ke to multiply it by the number of days, well nd good, but I think you must not refine too uch, you can only do rough justice in these atters.

229. Would you pay a juror trying a criminal ase the fees out of the consolidated fund?—Yes, n addition to the costs of prosecution, to be llowed by the Treasury in the usual way.

230. Mr. *Young.*] You feel rather strongly on he point that it would be inexpedient to summon jury alphabetically, do you not?—Yes, I see no eason for it, nor does the under-sheriff.

231. Is there not this reason that that gets rid f the possibility of any suspicion of preference? —I think that the record would be a sufficient rotection.

232. But that is in the sheriff's hands, is it ot?—Yes.

233. But you think that the disadvantage of n alphabetical list is so great that you would ot adopt that system?—Just so.

234. You think it is sufficient to mark the men n the list?—Yes.

235. That must be done each year in some way or other, must it not?—Yes, I would pre- erve the record; and, if you please, have it leposited in the clerk of the peace's office every ear.

236. Have you had much experience in riminal cases?—I am the prosecuting attorney or the borough of Liverpool.

237. It does not weigh very much with you, he advisability of having special jurors mixed vith common jurors?—No; I think you get nearer a man's peers by not having a special ury.

238. You said that in Liverpool houses are ated highly, but even there you would suggest diminution to 40 *l.*?—That is my present im- ression.

239. Do you know the West of England; Devonshire, Cornwall, and so on?—No, not nuch.

240. Do you know that with that qualification we should not get a jury in some places?—Yes, I can quite understand that; take Wakefield, which is rather a decaying town, there 50 *l.* would represent a house which in Liverpool, or the suburbs of Liverpool, would let for 150 *l.*

Mr. *J. Rayner.*

30 May 1870.

241. But you do not know much about the West of England, I suppose?—No; but that is what I had in my mind when I gave my former answer.

242. Mr. *Egerton.*] From what class are the grand jurors at the quarter sessions at Liverpool summoned?—From the best men; it is a compliment almost, as it is in the county. We have eight sessions a year; by recent arrangements with the recorder, they sit little more than a day, and it is rather an advantage to them.

243. Do you think that the qualification of a grand juror at the assizes should be specified by law?—I am only acquainted with the practice in Yorkshire and Lancashire, and in both counties it is a compliment to ask them to sit on the grand jury; I do not think there is any necessity for a special grand jury list.

244. Mr. *Dalrymple.*] Your burgess roll is 43,000, is it not?—Yes.

245. That is to say, every person who is rated above 5 *l.* a year?—Yes, everyone who is rated at all.

246. Mr. *Cross.*] Including women?—Yes.

247. Mr. *Dalrymple.*] A person might possibly say he had a right to be summoned simply because he was on the burgess roll, might he not? —He could only claim to be summoned in his turn.

248. But being on the roll he has a right from that circumstance to be summoned as a juror, has he not?—He has a right in one sense, but there is no remedy for an infringement of such a right.

249. To put it in a different way, suppose the summoning officer chose to summon a person of a very low stamp who was on the roll, there is nothing to prevent his serving, is there?—No.

250. A question was asked you just now with regard to the difference between the rateable value of the qualification in Liverpool and in Lancashire generally, and in the East and West of England, and you said that according to your view even 50 *l.* would limit so considerably the number of persons capable of serving as jurors that you would diminish that limit?—My present impression is in favour of 40 *l.*, even for the largest boroughs.

251. You are aware that on your burgess roll you have women, have you not?—Yes, we have about 300, I think.

252. It is in the discretion of the summoning officer whether he will summon those women or not, is it not?—I believe that they are entitled to serve, for the 121st section of the Municipal Act makes the burgess roll the list of jurymen.

253. It is under the Municipal Act that the burgess roll becomes the jury roll, and consequently any person on that roll is capable of being summoned as a juror, is he not?—Yes, for quarter sessions, and for all courts of record.

254. Mr. *Welby.*] Do you think that there is the same reason for raising the money qualification that there was a few years ago, or that the general spread of intelligence and education has made the less wealthy class more competent for the duties of a juror?—I think that there is an improvement

Mr. *J. Rayner.*

30 May 1870.

improvement going on, but I think that the 20 *l.* is too low.

255. You think that is too low, even in Liverpool?—Yes, certainly.

256. Would you apply the same observation to the Yorkshire towns?—I should say 30 *l.* in towns not exceeding 100,000 inhabitants, and 40 *l.* above that would be about the right qualification.

257. You would draw the line at 100,000 inhabitants, then?—Yes.

258. And you think 30 *l.* would be a good qualification below that 100,000?—Yes, for all places.

259. Mr. *Floyer.*] The duties of petty juries are chiefly trying criminal cases of no very great difficulty, are they not?—I think there are sometimes very difficult questions.

260. Is not the duty of jurors chiefly that which requires the exercise of that kind of judgment, which chiefly consists in discriminating between evidence, that is to say, attaching proper weight to it?—No doubt.

261. Do you not think that office is best discharged by men more nearly in the same rank of life as those whose evidence they are hearing and considering?—No, I think not; I think the position of a man in life, irrespective of his school education, has certainly a tendency to improve his judgment.

262. Take cases with regard to larceny from shops, and so on, are they best judged, do you think, by the smaller class of shopkeepers?—I should not say that the smallest class of shopkeepers would make as good a jury as the middle class shopkeepers.

263. Do you think that eliminating all those who are below 40 *l.* rating would have at all the same effect on the jury list as the present proceedings of the sheriffs and under-sheriffs in Liverpool?—No, I do not think it would. Of course there would be no selection, but there would be a line drawn as nearly right as you could; you cannot draw a line anywhere that will not shut out good men, and which will not leave in bad men; but you improve the tone of the jury by raising the qualification.

264. But the present system in Liverpool is a successful one, is it not?—Yes; practically we exclude those that this Bill would exclude.

265. Mr. *Cross.*] I suppose you can furnish the Committee with tolerably accurate information with regard to the number of people at present on the jury list, and what would be the effect of altering the qualification?—Yes, I will do so.

266. Mr. *Headlam.*] The whole number on the burgess list at Liverpool is 43,212, is it not?—Yes.

267. That is to say, every person who is rated?—Yes; it includes no lodgers, and it does include the women; that is the substantial difference between that and the Parliamentary list.

268. It includes the compound householders, does it not?—Yes.

269. Then the 15,000 who you say are fit to serve, is an approximation at all events to those who are rated above 20 *l.* a year?—Yes, and who are fit for the duty.

270. Mr. *Denman.*] You have spoken of grand jurors at sessions?—Yes.

271. I think you said that it was looked upon as a compliment to be placed on that list?—I was speaking of the borough sessions, I do not know anything of the county sessions.

272. It is done by way of selecting the most respectable men from the burgess roll, is it not?—Yes; it is considered service.

273. Is it not something more than that; is it not in Liverpool as it was in London, that the placing of common jurors on the list of grand jurors, exempts them from acting as common jurors?—It comes pretty much to the same thing; it is considered service. I cannot say whether the clerk of the peace has a list or not.

274. We have evidence that in the Central Criminal Court there is a long list of grand jurors, and that men are very anxious to get on that list, not to serve necessarily, but because it, in practice, exempts them from serving on the common jury, and if so it would be a great object to tradesmen whose time is valuable, would it not?—I cannot undertake to say whether there is actually a list or not; I know that in Yorkshire when I was there, it was not the practice; that is to say, the best jurymen summoned to the particular quarter session were taken for the grand jury; I speak now of five or six years ago.

275. There would be no objection to what you now say, but to the other there would be a great objection, would there not?—Yes; because the practical effect might be not to get due service out of the men.

276. And to take some of the best men out of the list?—Yes.

277. Mr. *Floyer.*] Did you state how frequently the service of a juror came round in Liverpool?—I think I may say on the average, that it is once in four years, that is to say, in the borough. [*A Paper handed in*, vide *Appendix*.

Mr. Frederick Deacon, called in; and Examined.

Mr. *F. Deacon.*

278. Mr. *Cross.*] You are a Solicitor at Preston, are you not?—Yes.

279. And your firm are the under-sheriffs for the county, I believe?—The acting under-sheriffs.

280. In fact the business of the sheriff's office is always carried on in your office every year, whoever happens to be sheriff?—Generally speaking it has been so for the last 20 years, with three or four exceptions.

281. Will you be kind enough to inform the Committee what number of sessions you have in the county?—We have 24 sessions, including intermediate sessions.

282. Are the quarter sessions held at four different places in the county?—Yes.

283. At two of those places eight times a year, and at other places four times a year?—Yes.

284. Making altogether, how many?—Twenty-four.

285. Can you inform us how many jurors are summoned to the quarter sessions throughout the county in a year?—There are empannelled somewhere

where about 1,660; we summon more than we actually empannel.

286. How many do you summon?—About 15 or 20 per cent. more, and sometimes even more than that, in order to make allowance for those who cannot come.

287. At how many places, and how many times in the year, are the assizes held?—Three times a year, at Liverpool and Manchester, and twice a year in Lancaster.

288. That is to say, there are eight assizes in the year?—Yes.

289. How many jurors would be summoned for the assizes?—Altogether, including the grand jury, a little more than 1,500.

290. But without the grand jury, how many would be summoned?—About 1,430.

291. What is the number on your jury lists for the counties?—Altogether about 44,000; but you may deduct from that number about 4,000 for duplicates, that is to say, persons whose names are on the list twice over.

292. That leaves about 40,000 available?—Yes, that leaves about 40,000 available.

293. Now would you be kind enough to take Preston as a sample; how many jurors have you got on the list there?—We have in Preston 1,378 jurors.

294. How many of those are freeholders?—About 700 of those are freeholders, or described as such.

295. Do you think that those freeholders, as a rule, are as competent and as well qualified to serve as jurors as the rest?—Decidedly not.

296. Therefore you agree with the last witness that, provided you could get jurors without them, you would rather leave the freeholders out altogether?—Certainly.

297. That would leave you in the Preston list, how many jurors?—Six hundred and seventy-eight.

298. Supposing the qualification was altered, as is proposed in the 6th clause of the Bill, how many of the 678 would be taken away?—It is impossible to say accurately, but I should say we should not have certainly above 200 ratepayers, and then there are 800 freeholders.

299. If you struck out the freeholders, how many do you think you would have?—Perhaps 200 altogether in that list.

300. Now you have been taking Preston as a sample; would it be the same taking other towns in the county?—I am scarcely competent to say.

301. Mr. *Denman.*] What is the population of Preston?—It is 81,000 by the last census.

302. Mr. *Cross.*] Do you think you could find jurors sufficient without being hard upon those who served, if the qualification was raised to 50 *l.*?—Certainly not, unless we were compelled to take the freeholders.

303. Now will you be kind enough to tell the Committee all about the freeholders?—I do not know very much about them, except that they are not the most intelligent class of men.

304. Do you often summon them?—No, not often.

305. How many out of the 40,000 on the list are practically available?—Not many more than one-half, according to the way in which we work the list.

306. Therefore there are nearly 20,000 who never serve?—I believe so.

307. Is that solely for the reason that they are not competent?—We consider them not competent; we strike out all those who are called mechanics, journeymen, and beersellers. There is a very large per-centage of beersellers in Manchester.

308. Do you think that raising the age at which jurymen were allowed to serve from 60 to 65, would be an advantage?—If the qualification is raised, it would be necessary to increase the number of jurymen, and perhaps that would be a good way to do it.

309. You would get a considerable number of men by that means, would you?—I should say so; but of course I cannot judge accurately.

310. Now about the alphabetical list; do you think that would work better than the present system?—I think not.

311. Why do you think so?—The way in which we work the Juries is this; we select what we consider the best kind of men for the assizes, and that answers very well; the next best men we select for the sessions, and I believe they are all sufficiently intelligent jurors. But instead of taking them alphabetically, we take them according to the different townships. We adopt a kind of rotation as far as we can, so that, practically, people are not summoned more than once in five or six years; but we do not take them alphabetically. Supposing we were bound to take the men mentioned in the list, we should find that we had a very inefficient jury unless we had a very considerable power of summoning more men than we empannel, which we do at present; perhaps that power may not be legally given to us, but we really do it. There are probably 20 per cent. of the applications by parties whom we allow not to serve from illness in the family, and so on.

312. How many coroners' juries do you summon?—We do not do that; the coroners do it.

313. I suppose you have no notion how many are summoned?—No, not at all.

314. Is there any part of this Bill that you would like to say anything about?—With regard to the qualification, I think the rating qualification in our county answers very well as it is now, except in the agricultural districts. In the agricultural districts it is too low, because a farmer with a rental of 20 *l.* a year is almost a labourer.

315. Your borough qualification answers very well, you think?—Yes, it answers very well; if you struck off even those from 20 *l.* to 30 *l.* you would strike off a very intelligent lot of men; but still if an alteration is to be made, I should say let it be in towns of not less than 40,000 inhabitants.

316-17. Is there anything else in the Bill that you wish to refer to?—With regard to clause 16, I think it is very important that the overseers should be made to prepare their lists much more accurately than they do now, and that any wilful misdescription, or careless misdescription, should be punishable in some way or other. It gives us great difficulty, and creates confusion between the special jury list and the ordinary jury list.

318. Mr. *Floyer.*] Does that arise from wilful neglect on the part of the overseers?—No, I think it is more from ignorance and carelessness than anything else. But perhaps if they were

Mr. *F. Deacon.*

30 May 1870.

paid for doing that duty they would do it more effectually.

319. Mr. *Headlam.*] You say that you leave out beersellers and a good many others; is that under any direction or authority?—No, it is simply a matter of discretion.

320. You leave out individuals and put in individuals?—We leave them out if there is any good reason shown; people assure us that it would be exceedingly inconvenient to attend, and then, if we can, we let them off, and put them on for a future occasion; it works much more equitably in that way than if they were bound to attend under any circumstances. We do not put in any individuals who are not on the list.

321. Would it be advisable to have any clause in the Act of Parliament to exclude any particular classes, such as beersellers?—Perhaps it might; but those are the only men that I think should be excluded as a class.

322. Suppose the qualification were raised, would that preclude the necessity of the sheriff exercising so much discretion?—We should not be able to do it in that case; we should not have enough names to enable us to do as at present.

323. Do you think it would be better, and the system would work equally well, with a limited number and no discretion, as the system now in use with a larger number, and an exercise of discretion?—No; I think the present system of exercising a discretion has worked remarkably well.

324. No complaints have been made, you think?—None at all.

325. What do you say to the question as between 60 and 65 years of age, apart from the question of necessitating an increased number?—I think we should get very often very intelligent men who are now exempt, good business men.

326. Do you think there would be many gentlemen who would plead infirmities, if the standard were raised to 65?—There would be some, no doubt, but not very many, I think.

327. With regard to the question of payment to jurymen, what is your opinion?—The proper way, in my opinion, is to pay those jurors who actually serve, and not those who simply attend, or profess to attend, and perhaps do not do it. A man comes in the morning and goes away in the daytime, and they should not all be paid equally well, the drones and the bees.

328. It is not any act of their own which exempts them from working, is it?—To a great extent it is an act of their own; they come in the morning, and go away; if they were all paid better there would not be that same difficulty; if they were paid 5*s.* for every common jury cause, and the special jurors were paid half-a-guinea, there would not be the same difficulty of keeping the jury together.

329. Would you have any payment for those jurors in criminal cases?—Yes, if it could be done; but the suitors could not pay for that, it should be from the Consolidated Fund, perhaps.

330. Mr. *Floyer.*] What payment would you give those jurymen?—I think if they had at the rate of about 10*s.* a day in criminal cases, that is to say, for expenses of every description, it would be enough.

331. Mr. *Denman.*] Suppose this clause 31 of the Bill, to which you take rather an objection, were to be put in such a shape as that every juryman should get his day's pay for being there in attendance to his summons, *bonâ fide*, and ready to serve, should you then see any objection to clause 31?—I am afraid that would not be practicable.

332. But supposing it should be practicable, should you then see any objection to it?—No, I should like it.

333. If it were to be put into words which would properly carry that out, perhaps every juryman would then act as a check on his fellows, and no man would get his pay unless he was *bonâ fide* in attendance, and ready to serve?—If they were paid properly they would be more willing to serve, and they would not try to get away.

334. Assuming that this Act were carried out, to give to each special juror a guinea, and the common juror 10*s.*, would not each juryman act as a check on the others against any evasion of the law?—No, I think not.

335. Would not they take care that a juryman did not get his pay if he were not *bonâ fide* in attendance and ready to serve?—No more than they do now.

336. I am assuming that there would be a fund out of which this money would come?—Even then I think not; practically, on the Crown side, the same jury try causes day after day frequently.

337. About Preston, I want to know, if you please, what those freeholders are?—They are persons of an inferior grade, generally speaking, mechanics and journeymen of every description.

338. That is to say, persons doing daily labour?—Yes.

339. How do they obtain their qualification?—That I do not know.

340. They are not qualified as county jurymen, are they?—Yes, they are qualified as county jurymen from having freeholds to the extent of 10*l.*; they manage to get a little money together.

341. Are those jurymen qualified as freeholders, though they are not in possession of any holding up to 20*l.* or 30*l.* a year?—Yes.

342–5. Are they qualified under the 6th of George 4?—Yes.

346. Then if this Bill leaves every other qualification unrepealed, those freeholders are qualified still under that Act of George 4, are they not?—Yes.

347. There is nothing in this Bill to repeal that qualification or any other qualification in fact except so far as this clause affects the question?—No, I believe not.

348. Have you the 6th of George 4 before you?—Yes.

349. Will you point out the section under which those freeholders of Preston are qualified to serve on county juries?—It is the first section of George 4, c. 50, where it says, "Be it enacted that every man, except as hereinafter excepted, between the ages of 21 and 60 years, residing in any county in England, who shall have in his own name or in trust for him, within the same county, 10*l.* by the year above reprises in lands or tenements, whether of freehold, copyhold, or customary tenure, or of ancient demesne, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple, fee tail, or for the life

life of himself, or some other person, or who shall have within the same county 20 *l.* by the year above reprizes, in lands or tenements, held by lease or leases for the absolute term of 21 years, or some longer term, or for any term of years determinable on any life or lives, or who being a householder shall be rated or assessed to the poor rate, or to the inhabited house duty in the county of Middlesex, on a value of not less than 30 *l.*, or in any other county on a value of not less than 20 *l.*," and so on.

350. Should you be prepared to name any arrangement by which you might repeal that section, so far as it is objectionable, and fix the proper value for a freehold qualification?—I think not without further consideration, and without having the opportunity of comparing the rate books with the jurors lists, then I should see what effect it would have in reducing the present number of jurors.

351. Have you any such materials as would enable you to look through the list in any one place, such as Preston?—Yes, I might do it at the overseer's office, no doubt.

352. So that you could let the Committee know how many jurymen would be taken off by repealing the freehold qualification altogether; and of those when taken off, how many might properly be put on again who would not come under the rating qualification?—Yes.

353. You know, I suppose, the names of some which you would say would be as good under a qualification as under the rating qualification, but it is obvious that the 10 *l.* qualification is not sufficiently high, is it not?—I think if you could amend that form of jury list I would strike them out altogether, but that it would make the list so small.

354. By striking them out altogether, do you think you would get rid of any one whom it would be worth while to preserve, or would they all come in under the rating qualification?—I think they would.

355. They would not all be householders, I suppose?—Not all, but generally speaking, they would be.

356. Practically, you would not lose any material element in the jurors' list by striking out the freehold qualification, you think?—I think not; I think in other places there would not be the proportion that there is in Preston.

357. But you have experience of the whole of Lancashire, have you not?—Yes, but I cannot say how it might act in other places; perhaps there might be one-third freeholders, and those we could afford to strike out.

358. You mean that you could afford not only as to the numerical loss, but as regards the valuable elements on the jury list?—Yes.

359. Intelligence, for instance?—Yes.

360. You say that 20 *l.* is much too low for the farmer class in Lancashire?—Yes.

361. I suppose you have no experience of the counties in the South or West of England to enable you to say whether the same observation would apply to them in any degree?—I have not.

362. Mr. *Dickinson.*] As to bankers and merchants being a bad description in the Bill, can you suggest to the Committee any description which would take in those who should be special jurors and leave out those who should not?—No, I rather like the present description, if the overseers would not give so many mis-descriptions.

363. That would not take in large manufacturers, I suppose?—It would do so where he happens to be a justice of the peace, who is an esquire, but often they put a man down as a cotton manufacturer, whereas he is a magistrate, and he is consequently liable to serve on the common jury only.

364. Suppose you took the income tax as the ground of qualification, how would that work?—I never thought of that, and I do not know what effect that would have.

365. I mean, take a largish income, how would that act?—I should much prefer to take it from the rate books.

366. With regard to the payment of jurors, would it not be as well to confine the payment for jurymen who do not attend simply to a sum for travelling expenses, and thus divide the payment into part for travelling expenses and part for attending as a juror?—How is that practicable. They would all profess to attend if they answered to their names.

367. Those who attended would be fairly entitled to so much a mile for their expenses, would they not?—No doubt; but that would be difficult to assess.

368. But those who served on juries might have a fee besides, might they not?—Yes; but I am afraid it would be almost impracticable to give their travelling expenses. I think that the best plan is to give them a certain fee which carries travelling expenses, and everything else, and that the juries should be frequently changed, so that all should have an opportunity of serving at all events.

369. There is often a very great delay in changing juries, is there not?—Yes, it is inconvenient very often, but still it should generally be done at least once a day; you can leave it to the officer of the court to select others, as far as he can; those who were anxious to attend would then come in.

370. Mr. *Bright.*] You say, with regard to the counties qualification, that 20 *l.* is too low?—Yes.

371. Does not that let in not only the labouring class, but the artizans and the small dealers, and so on?—No, I was speaking particularly of the farmer class, who are really very little more than common labourers.

372. But certainly, in the West of England, the class who would be let in by that system would be men who had a good house, probably the carpenter of the village, or the general dealer of the village?—I do not think that is the case with us.

373. Mr. *Young.*] Is it not equally onerous, when a man comes away from his business, and has to hang about all day, as if he was serving on a jury?—If he is willing to serve, no doubt it is so.

374. But you cannot get at his mind; does not it simplify matters very much to pay everybody who is there when he is wanted?—Yes, no doubt it would simplify it.

375. In the course of the day a jury withdraw to consider their verdict, probably?—Yes, and then we want another jury.

376. If a person summoned is not there, he should be mulcted of his money?—Yes.

377. But if he is there, the fact of his not having been called upon to serve on the first jury is no reason for his not being paid?—No, not the least in theory.

Mr. *F. Deacon.*

30 May 1870.

378. But in practice what would you say?—I feel some difficulty about it.

379. Have you building societies in your county?—Yes.

380. That makes a good many freeholds, does it not?—It does.

381. Mr. *Egerton.*] What is the practice in Lancashire in summoning grand juries for assizes?—It is a personal compliment paid to the gentlemen of the county by the high sheriff; he sends out invitations, not summonses.

382. Is it limited to magistrates generally?—Generally it is, because our body of magistrates is so large

383. What is the number of magistrates in your county?—It is very large, and they have been materially increased lately, but I do not know the number.

384. Do you say that the invitations for grand juries in Lancashire are practically limited to magistrates?—No, I think I am wrong there. Lately a great number have been on the grand juries who are not magistrates at all.

385. Do you think that any qualification except that which is necessary should be specified by law as a qualification for grand jurymen, for the county assizes?—Not so far as Lancashire is concerned.

386. But is it desirable generally that it should be so?—No, I think not.

387. Now, with regard to grand jurors at the sessions, are they summoned generally from the body of common jurors? — Yes, we summon them all as common jurors in the first instance, and then we take the best of those as special jurors.

388. Do those who serve as grand jurors at the quarter sessions ever serve as common jurors? —Yes, there are common jurors whom at the last moment we put on the grand jurors' list.

389. Do you think it desirable that there should be any special qualification there?—No, I do not.

390. Mr. *Dalrymple.*] In Lancashire, how do you summon the grand jurors?—The high sheriff himself sends out invitations to gentlemen to attend.

391. Then you do not call over the whole roll of magistrates in the presence of the judge?—No.

392. Mr. *Cross.*] There are 800 magistrates on the roll, are there not?—Yes, I think there are even more now.

393. Mr. *Dalrymple.*] Now with regard to Clause 17; from your knowledge of the quality of the overseers in your county, do you think you could trust to them the critical duty of examining and correcting the names on the list?—They do the overseer's work, but I think there should be some revising power in addition.

394. I can quite understand that where there is an assistant overseer for a large parish he is a man of more than ordinary capacity, but taking an ordinary county overseer he is not fit to be entrusted with such a duty, is he?—No; there are sometimes great mistakes in the list.

395. Would the clerk to the guardians be a better person to have this revising power than the board of guardians themselves, do you think?—Yes, I think that the clerk to the board of guardians would be a better person to perform that duty.

396. Now, if you will be kind enough to turn to the schedule of the Bill, you will see that magistrates as magistrates are not included?—Just so.

397. Do you not think that magistrates acting within a county or a town, or a borough (as may be), should be exempted in virtue of their office; that as they do give their time to their magisterial duties they ought to be exempt?—I think that would be fair.

398. Mr. *Welby.*] You express a preference for a large jury list to be left to the discretion of the sheriff, to a smaller list taken in strict rotation; now, can a person whose name is on the list claim to be summoned?—No.

399. Then suppose you leave that as it is, with the advantage of a remuneration to jurors for attending, you think there would be no fear of a rush on the part of the worst men demanding to serve?—I think not. The only instance I ever knew of people applying has been, once or twice, some special jurors, who really liked the work, and we put them on, on account of their being good men.

400. But under this Bill it is proposed to remunerate jurors in all cases with not less than 10 *s.* a day, which would be a great object to the lower class of men; would there be any fear of a perpetual pressure on the part of the worst class of men demanding to serve?—No, I think the remuneration is not sufficient for that.

401. Mr. *Floyer.*] You said that the only complaints you knew of were of some of the jurors from the rural districts; do you think that striking out the freehold qualification would get rid of most of those persons?—No, I think not; they consist generally of those who are assessed to the poor rate slightly above 20 *l.* in country places.

402. You think, do you not, that there are certain persons assessed above 20 *l.*, coming from rural districts, who are not fit for jurors?—Yes.

403. You would remedy that by raising the qualification?—Yes; if it were possible to raise the qualification in country districts and not in towns that would answer the purpose, because we get a very intelligent class of men rated at 20 *l.* in large towns.

404. But there is considerable difficulty in drawing the line between the country and town jurors, is there not?—Yes; I do not think it is easy.

405. Do you think that a mixture of persons qualified to serve as special juries would, on petty juries, be desirable?—No, I think not.

406. You think that the practice has prevailed so long of the special jurors being a separate class, to a great extent, from the common and petty jurors, that you could hardly amalgamate them in petty jury cases, I presume?—You might do it, but I can see no benefit that would arise from it.

407. Would there be some objection on the part of some of the jurors to an arrangement of that kind?—Not very much, I think, because at the assizes both the common and special jurors are very much the same class of men.

408. Do they serve together on juries at the assizes?—No, they are on different lists.

409. Do you fill up the special jurors when they pray what is called a *tales* from the common jurors?—Yes.

410. And no difficulty arises from that, you think?—Not the least.

411. From that example it would be inferable, I think you say, that there would be no difficulty arising

arising from a mixture of special and petty jurors on petty jury cases?—Not the least, I think.

412. Mr. *Cross.*] You have been in the habit of attending the assizes for a very long time as under sheriff, have you not?—Yes.

413. Have you ever heard the judges complain of the juries who came before them?—No; on the contrary, they have always said what remarkably good juries they obtain in Lancashire. Only on Saturday last Mr. Justice Blackburn was telling me so, especially of the Liverpool juries.

414. With regard to Clause 6 of the Bill, do you think you could, without much trouble, work out what the actual effect of that clause would be in the county of Lancashire?—Yes; it will cost a day or two's work, but I will do it.

415. Could we obtain from the poor law officers, do you think, such a return as would practically give the Committee that information? —Yes, it is very possible that they may have some returns, which would enable them to do that without much trouble.

Mr. *F. Deacon.*

30 May 1870.

416. Will you be kind enough to try and do that before our next meeting on the 13th of June?—Yes.

417. And will you be kind enough to communicate with me on the subject?—Yes, I will do so.

418. Mr. *Floyer.*] You have stated that the reduction of jurors would not be so great in other parts as Preston, I mean by the operation of this clause?—I should say not. I was astonished to find that there are 700 freeholders.

419. Mr. *Cross.*] Is that great number of freeholders in Preston owing to the fact of the voting list retaining the old freeholders?—No

Mr. Abraham Greenwood Eastwood, called in; and Examined.

420. Mr. *Headlam.*] You have been in practice as an attorney and solicitor for 23 years and upwards, have you not?—Yes.

421. And you have been clerk to the magistrates at Todmorden during all that time have you not?—Yes.

422. You have also been registrar of the county court, I believe?—Yes, of the county court at Todmorden.

423. Previously to those 23 years, you had been seven years acting as clerk to the clerk of the magistrates, had you not?—Yes.

424. I believe that during that time you have attended the assize courts and quarter sessions? —Yes, several times every year.

425. What proposition have you to lay before the Committee?—I would decidedly abolish grand juries altogether.

426. What else would you suggest?—If grand jurors remain at the quarter sessions I would certainly do away with the present system by which the grand jurors are selected. I think it is a wrong to the other jurors that some should get on the grand jury as a favour by a fee to the summoning officers; they give them 5 *s.* or 7 *s.* 6 *d.* to be put on the grand jury list, because they know that they will be released in one day's service.

427. You know as a fact, do you, that a fee is paid for that purpose?—Yes; it is 5 *s.* generally; I know that in my practice.

428. To whom is that fee paid?—To the sheriff's officer.

429. On the payment of that fee to the sheriff's officer a man is put on the grand jury list, you say?—Yes, he is put on the grand jury list, and then in other cases where a juror is summoned and has friends, such as the magistrates, who have influence over the officer, they send to him without paying, but influence is brought to bear to get on the grand jury to serve for one day instead of four or five days.

430. Mr. *Egerton.*] You are speaking of quarter sessions only I presume?—Only of quarter sessions.

431. Mr. *Headlam.*] You have said that you have known that payment of a fee to the sheriff's officer takes place?—As far as my experience reaches that is so; it is a common observation, and it is a practice that is well known throughout the county.

Mr. *Eastwood.*

432. That is Yorkshire you are speaking of, is it not?—Yes, and in Lancashire also. I am just on the borders; I go to both the Yorkshire and Lancashire courts.

433. Would you continue the exemption at present in force?—Yes, I would exempt all magistrates from serving on juries at quarter sessions, and also all mayors and councilmen. They are at present exempted, and I would continue that exemption.

434. What have you to suggest to the Committee with regard to the payment of juries?—I would suggest that they should be paid by the day, and they should be paid on some such scale as 7 *s.* 6 *d.* a day, and 5 *s.* a night, and a second class railway fare. At Todmorden we are 20 miles from the courts either way, from Leeds, Wakefield, Bradford, and Manchester.

435. Where should that payment come from, in your opinion?—I think it should come out of the fund where prosecutions come from, that is to say, the consolidated fund. I would certainly have jurors paid out of that fund, and not by the suitors' fund at all. The jurors have to attend the assizes for civil as well as criminal cases, and I certainly would not charge the suitors at all.

436. In civil cases you would not charge the suitors?—No, I would not.

437. You would put it on the consolidated fund?—I would put it on the consolidated fund, because the jurors are to be there whether for civil or criminal cases. The jurors are serving not only for themselves, but for the class of people below them and above them, and so those people below and above should contribute towards the expense.

438. What is the rule at present about a jury having refreshments on retiring?—On retiring the oath always is, "You shall keep this jury without meat, drink, or fire, except candle-light." That is the old form of oath. The judges know those provisions, and they excuse them from further attendance, because they know they would not be comfortable, and great injustice is done, and there is great expense to the suitors, because a cause has often to be tried over again. If you give them ordinary comforts, there is no reason why they should not be kept longer.

439. It is the theory of the law that, by making them uncomfortable, they are forced to give a verdict within a given time?—Yes, it is intended

Mr. *Eastwood.*

30 May 1870.

to compel them to agree, whether they will or not.

440. Have you anything else to say with regard to the Bill?—I would retain the freehold qualification; I am decidedly of opinion that you would lose a great many people who ought to serve as jurors, jurors having property in the county who are well qualified, but who would not come under the rating clause.

441. Do you know that as a fact?—Yes, I know as a fact many gentlemen of property, skill and experience; such as the commissioners of turnpike roads, who would not come into the jury lists as proposed, because they do not occupy farms, or houses, or lands to that amount.

442. Where would you summon a man who has a rent-charge from land?—They are really the owners very often, living on their own estate; or if not, they have estates.

443. Would they not be rated if they were living on their own estates?—Yes, they would be rateable, but not to the amount stated.

444. If you had a gentleman living in your district, and he had got a rent-charge in London, where would you summon him for?—He must be a resident, no doubt.

445. Is it not then likely that he would be rated in the place where he resides?—Of course he can only be returned in the place where he resides.

446. You have no means of discovering where the freehold is, have you?—Yes, we have, the poor rate list tells you; it gives the names of the owners and the names of the occupiers; here you will get your qualification under the occupiers' clause, but you will see no owners' names. A man may be a lodger, or he may be the occupier of an estate not large enough to bring him into the scale; every freeholder of 20*l.* I certainly would retain as liable to serve as a juryman.

447. What do you say to county courts and coroners' inquests?—I think you ought to exclude county courts; at present, you do not exclude county courts, but coroners' inquests are excluded. At present, the county court jurymen are by law to have 1*s.* only. The exemption in the Bill would not apply to coroners' inquests, but it would apply to the county court jury.

448. What do you say with regard to the age at which jurymen might serve, should it be 60 or 65?—I would certainly extend the age to 65 if I did not go to 70. I am in favour of going to 70, except in cases where a juror shall satisfy the judge or chairman of quarter sessions that he is infirm by deafness or other cause; I think that a great many people from 60 to 70 years are better qualified for jurymen than ever they were in their lives.

449. Do you not think that they would claim an exemption?—I would not allow them to be exempted unless they proved on oath some infirmity.

450. You think that you would get a certain number of good men to serve on juries if the age was extended up to 70?—Yes, you would keep them longer on the list, and from 60 to 70, as a a rule, you would get really the best men.

451. What do you say with regard to the supervision; should it be done by the guardians or the overseers?—I prefer the guardians; many people are put on by the overseers by favour or fee. I know of my own knowledge, that people get called merchants in order to get on to the special jury, first, because they get paid, and secondly, to escape having to serve on common juries.

452. You know, as a fact, that persons make payments to the overseers for the purpose of being put on the list of special jurors?—I would not say I know it as a fact that they make payments, but I know that having interest with the overseers, people will do it; they will say, "Put me down as a merchant, instead of a cotton spinner or manufacturer."

453. Would you continue the exemption of merchants from serving on common juries?—Yes.

454. Then you would, I suppose, keep it as at present; esquires, merchants, and bankers?—Yes.

455. You think that there is nothing vague in the term "merchant," which makes it desirable that it should be left out?—No.

456. The Committee have it in evidence, that persons of an inferior character get on the list under that name?—I think the guardians would correct any abuse of that kind. I prefer the guardians to the clerk of the guardians; they are from all parts of the union, and it is impossible but some of them must know all that are proposed to be on the list.

457. What do you say with regard to the alteration of the qualification, and its probable result?—If you keep the freeholders, I think the scale as now altered will not diminish throughout the counties more than one-third the present list.

458. You would raise the qualification as it is in the Bill?—Yes, I would raise the qualification, and I would bring it to 20*l.* instead of 10*l.* for freeholders; it is 20*l.* for leaseholders.

459. You would alter the qualification by occupation in the manner proposed by the Bill, would you?—Yes.

460. Mr. *Denman.*] A freehold of 20*l.* is a very small freehold indeed in Yorkshire, is it not?—Yes; it is 20*l.* per annum.

461. It is now 10*l.* per annum, is it not?—It is now 10*l.* per annum.

462. In what counties has your experience principally lain with regard to this qualification for jurors?—In the West Riding of Yorkshire and Lancashire.

463. In your judgment should you say that a farmer of 20*l.* in Yorkshire is better qualified to sit on a jury than a farmer of 20*l.* in Lancashire?—No, I think they are very good juries both in Lancashire and Yorkshire; they are very intelligent men.

464. Without any surveillance on the part of the sheriff in striking off people on public grounds, is there any such discretion exercised by the sheriff in Yorkshire as was spoken to by Mr. Deacon in Lancashire?—No, I think not; I think it is impossible the sheriff can do that.

465. Have you any means of knowing practically whether they do or do not the same kind of thing in Yorkshire as they do in Lancashire, with a view of weeding the list?—No, I think not.

466. Do you know that one way or the other?—No, I see no distinction in practice.

467. Do you think that people of all classes come according to their turn?—Yes, I do not think that any of them are excluded.

468. You have said that you are registrar of the county court?—Yes.

469. At

469. At Todmorden?—Yes.

470. Do you find that you get the same class of men as jurors in county courts as you do at the assizes?—We select them out of the district; it is co-extensive with the Todmorden Union. I, as registrar of the county court, have the selection of jurors, and I take such as I know to be competent, and to be disinterested.

471. How do you choose them; to whom do you state your option; is it to the sheriff?—No, I am guided by my own discretion.

472. Have you a copy of the jury list given to you by the sheriff?—Yes, I have a list given to me every year.

473. You choose the men whom you think fit to serve as jurors, according to residence near the place, and for various other reasons?—Yes.

474. You may choose the same man who has been already serving at the sessions or assizes, may you not?—Yes, I have nothing to guide me.

475. Have you many jury cases in your county court?—No, we have very seldom indeed such cases. I have been registrar for 10 or 12 years, and we have not had more than 10 or 12 jury cases.

476. Have you any special juries?—None at Todmorden.

477. Is there any power to have them?—No; it has entirely to be taken from the ordinary jury list.

478. Mr. *Egerton.*] Would your objection to the grand jury be removed if the qualification fixed by law were the same qualification for grand jurors as for common jurors at quarter sessions?—I think they are altogether unnecessary; and besides that, if they were not serving on the grand jury they would be serving on the petty jury, and you would have fewer jurors than they have now; besides that a great many cases are compromised between prosecutors and their friends. Bills are frequently cut out by arrangement between the parties; they do not call their evidence, or they say they have doubts with regard to identity; and they cut the thing up before the grand jurors, who are sworn not to tell anything; besides that, they know nothing about the case. I would have the cases before the magistrates, or the mayor, as the case might be, and do away with the grand jury because, first, it is an unnecessary expense, and secondly, because it is the cause of mischief.

479. Your remarks do not apply to grand juries at assizes, I suppose?—Yes, I think they may dispensed with, and the same objection would apply there.

480. But the same remarks do not quite apply with regard to the arrangement between the prosecutors and the other side, do they?—Yes, just the same; I can give you instances in my practice in which I know that cases have been compromised. Therefore, the same remark applies whether to grand juries at assizes or at the quarter sessions. Take a case which has occurred in my practice of a woman having a child; she fathers it upon a particular man and swears it; then the man gets into the witness box and swears he never had anything to do with her. The magistrates believe he tells a lie, and they hold him to bail to take his trial at the assizes. Now, that woman, if the man was convicted, would not get her 2 *s.* 6 *d.* a week out of the man, because he would be in prison, so she has every inducement not to get a true bill returned by the grand jury; and the result of my experience is that many a case falls through entirely, because it is not to the interest of the prosecutor to prosecute, and a case which ought to be tried before a jury goes off.

481. Mr. *Denman.*] You have said that some gentlemen got placed on the grand jury by paying 5 *s.*?—Yes.

482. So that it saves them from more than one day's service?—Yes.

483. How many gentlemen are placed on the grand jury?—From 20 to 23; generally it is 23.

484. Is that the case at the sessions as well as the assizes?—Yes, at the sessions as well as the assizes.

485. How many gentlemen are summoned to the sessions for the common jury?—At least 48 in addition to those 23.

486. On the average, at the sessions those 23 grand jurymen will only get one day's service, you say?—Yes.

487. How many days' service do the 48 have?—Three or four, or sometimes five days.

488. Are those persons who are put on the grand jury, only put on for that one occasion, or do they remain on for any subsequent occasion?—It is as complete a service as if they had been on the common jury.

489. They do not remain on the grand jury list then?—No; they are entitled to their certificate by serving one day.

Monday, 13*th June* 1870.

MEMBERS PRESENT:

Mr. Amphlett.
Mr. Richard Bright.
Mr. Cross.
Mr. D. Dalrymple.
Mr. Dickinson.
Mr. W. Egerton.
Viscount Enfield.
Mr. Floyer.
Mr. Hanbury Tracy.
Mr. Welby.
Mr. Adolphus Young.

VISCOUNT ENFIELD, IN THE CHAIR.

Mr. HENRY SADLER MITCHELL, called in; and Examined.

Mr. *Mitchell.*

13 June 1870.

490. *Chairman.*] WHAT profession do you follow?—I am a Solicitor and Vestry Clerk of Whitechapel.

491. I believe that you wish to make some statement to the Committee?—Yes.

492. Will you be kind enough to state the first point to which you wish to refer?—The first point is a mere question of machinery. I have prepared the list of jurors for a very large parish for the last 15 years; the Bill provides, in clause 6, as follows: "Shall be rated or assessed to the poor rate or to the inhabited house duty." I submit that referring to any list of persons paying "inhabited house duty" is surplusage, it would give a great deal of trouble and be without any use. Every occupier is rated to the poor rate; I submit that if you go to the poor rate book that will be quite sufficient.

493. Have you considered the proposal to raise the qualification of jurymen?—Yes, I have considered that matter; I can say with regard to my own parish that I believe rather more than half the jurymen for last year were rated at not less than 50*l.*, but as to the other half, this Bill would exempt them altogether from serving their country as jurymen, and I think that would be rather unfair upon those that were rated at 50*l.* and above.

494. You think that the qualification is too high as fixed in clause 6?—Yes; I think it is quite enough as the law now stands.

495. Are you speaking of London only, or of the country generally?—Of the metropolis only.

496. You say that you would leave the qualification as it stands in London?—Yes; you would get rather a better class of men if you commenced at those rated at 50*l.*, but it would be unfair to the others. I think that 30*l.* is a fair qualification for the county of Middlesex, and the metropolis generally.

497. Now with regard to Clause 17, have you any proposal to make to the Committee?—That clause says, "Previously to any list of jurors being produced for revision to the justices of the peace, as provided by the 10th section of the County Juries Act, 1825, the same shall be examined by the guardians of the poor of the parish to which to which the same shall apply, who shall certify in writing under their hands, at the foot of such list, that they have examined the same." I submit that that is unnecessary. The guardians of the poor are, with the exception of the *ex-officio* guardians, the same class of men as the overseers are. The overseers know the ratepayers of their parish, because they are forced to go to them quarterly for their rates. Now the guardians do not; they have no personal official connection with the ratepayers, nor any personal communication with them; but the overseers, by their collectors, have personal communication with the ratepayers, and they are the persons keeping the rate-books. I think the change proposed would cause trouble and expense, and that it would not improve the jury list at all.

498. You would propose that it should be the overseers, and not the guardians, who should be responsible for the lists in the first instance?—Yes, as heretofore.

499. But you would let the list go to the magistrates in petty sessions for revision, I presume?—Yes; that gives an opportunity for anyone who is over age, or otherwise disqualified, to object. Then with regard to Clause 19, there is a proposal that "It shall be the duty of the overseers, on every 1st day of January, 1st day of April, 1st day of July, and 1st day of October," and so on. That is a most excellent arrangement, and I think that would cure the difficulty which there has been hitherto. The present way of making out the lists is, that you make them out about the middle of the year, and then they are approved by the magistrates in September or October, and then the list is for use during the whole of the next year; but during that time perhaps one-fifth or one-sixth part of the population may have changed; at all events it would be some considerable proportion.

500. I believe that it is one of the chief complaints in London that the lists are so imperfectly made that the deaths and removals are not duly noticed?—Yes.

501. That proposal in Clause 19 you think would remove the objection?—Yes; the objection would be removed by that proposal in Clause 19.

502. Do you see any objection to the suggestion that persons should be called on to serve alphabetically

alphabetically?—No. I think they might be called upon to serve alphabetically.

503. That is to say, taking the letter "A" and going to the end of "A" before anyone else is called upon to serve?—You might take the letter A and then begin again in the middle of the alphabet, thoroughly exhausting both the lists before you began over again.

504. But you think the machinery proposed in Clause 24 would be an improvement on the present system?—Yes, a very great improvement I think, as far as it applies to exhausting the list of jurymen. The next point is with regard to paying the jurymen; I think that would give satisfaction.

505. You think that the sum proposed would meet the justice of the case with regard to special and common jurymen?—Yes. I do not think that a common juryman should have 10*s.* for a trial, but 10*s.* for a day, to be divided amongst the causes tried during one day.

506. Have you any further suggestions to make to the Committee?—No.

507. Mr. *Dickinson.*] Have you any suggestion to make on Clause 17 with regard to special jurymen?—No; I think it is very fair as it stands in the Bill, striking out the words inhabited house duty.

508. That is to say, you approve of the limit of 100*l.*?—Yes, I think so, so far as I have considered the matter.

509. Mr. *Young.*] I understand you to say that you think the revision of the list should not be made by the guardians?—Yes.

510. Do you think the assessment committee, which, as you know, is composed of a certain number of guardians selected from themselves, would be a proper body to revise the list?—I think not at all; I think it would be making a complex machinery; the assessment committee know nothing of the ratepayers in any other parish except their own; they have nothing to do with the collection of the rates. All you want the assessment committee for is to see that the valuation is made for the whole of the parish or union for common charges. They are not brought into contact with any of the ratepayers, but the overseer is brought into contact with the ratepayers, he or his collector knows personally who the ratepayers are.

511. I am not supposing that the overseers are the proper persons to make out the list, but the question is who is to revise it?—In all the London parishes they have a regular professional person, very often a solicitor, to make out the jury lists; then in the country they have very often a paid officer, called an assistant overseer, to make out such lists, and I think it might be very safely left with them. You could not at all benefit the list by submitting it to the revision of anyone but the magistrates.

512. You only look upon that as a place where some errors may be corrected if motion is made by the person affected?—Yes.

513. You do not, as I understand you, see any objection to an alphabetical mode of summoning jurymen?—None whatever; I like it.

514. Mr. *Welby.*] With regard to an alphabetical mode of summoning the jurymen, would it, in your opinion, be preferable to define that strictly in the Bill, or leave it, in each county, to the discretion of the summoning officer to carry out the intention of the clause?—I think it would be better to define it in the Bill.

515. That is to say, to confine the summoning officer to an alphabetical method of summoning the jurymen?—Yes, there would be some difficulty if you took all the A's first; in that case all the A's would have to suffer first; you might have two lists running.

516. But in some counties it might be more convenient to summon the jurymen geographically instead of alphabetically, might it not?—I have hardly considered that point; I think, however, the principle should be to exhaust the whole number of jurymen in the county before you begin again.

517. Mr. *Egerton.*] Do you know anything about the grand jury in Middlesex?—No.

518. Therefore you do not speak to that point?—No.

519. Have you ever known anybody pay to be put on the grand jury?—No, I never heard of such a thing.

520. Mr. *Dalrymple.*] In the matter of the exemptions in the schedule, has it ever occurred to you that it would be desirable to exempt from petty juries licensed victuallers and publicans?—No, I do not think so; I think that the licensed victuallers in London are a better class of men than they used to be.

521. Would you exempt from serving the keepers of marine store shops?—I have no facts in my mind from which I can give you any information upon that subject.

522. Mr. *Floyer.*] With regard to the payment of jurors, if you paid them by the day, how would you ensure their attendance at the courts during the trials?—By a penalty.

523. How could you know whether the jurors were present or not?—I should think that might easily be ascertained by the names being called over.

524. But you would hardly propose to pay them if they merely came in the morning and went away again, would you?—No, perhaps not.

525. With regard to special juries, do you think it would be desirable, or would there be any objection to mixing different classes of jurors together; that is to say, those who represent the higher class of property, and persons of small means?—At present it is proposed that the special jurors shall be rated at a higher figure than those who are on petty juries.

526. Would it, in your opinion, be desirable to have those men mixed together on special juries?—I think that as to special juries, so far as my experience goes, the present way of summoning them gives satisfaction; I mean with regard to the class of men.

527. They are selected from rather a higher class than the petty jurors; are they not?—Yes, and I think they should be so.

528. Do you think it would be desirable on petty juries to have persons of a higher class, such as those that serve on special juries, along with the others of a lower rating?—That would do no harm certainly, and perhaps it would do good.

529. Would there be any difficulty or objection in doing that, do you think?—Yes, I think special jurymen would object, but no doubt it would benefit the jury.

530. Those who generally serve on special juries would not like to serve with the petty jurors, you think?—No doubt that would be so.

531. But if it could be carried out without difficulty

Mr. *Mitchell.*

13 June 1870.

difficulty you think it would be an improvement to have a higher class of jurors on petty juries mixed with the others?—Yes, they would most likely make a banker or a magistrate the foreman.

532. But you say that you see difficulties in carrying that out?—Yes, it would give dissatisfaction to the class of persons that special juries are usually chosen from.

533. Mr. *Cross.*] Your object in summoning a jury alphabetically is simply, as I understand you, that no person on the list should escape?—Yes; not only that, but that a person having served once should not be called upon to serve again until the whole of the list is exhausted.

534. And that is your sole object?—Yes.

535. Is it not consistent with your views that the sheriff should have a certain discretion with regard to the kind of jurymen he should call?—That might be so, but I have not considered that question.

536. Do you not think that your object would be attained if the sheriff was bound to mark off those who had been summoned, and not to summon them again until the list was exhausted?—Yes.

537. Or for a certain number of years?—Yes, that would answer the end in view.

538. Do you not think it might be advisable that there should be some discretion left in the sheriff in this way: Suppose a case was to be tried which excited great local interest, the sheriff might take care not to summon jurymen from that part of the county where the interest existed, might he not?—Such a case as that might arise certainly.

539. Again, do you not think it is wise to give the sheriff some discretion on this point, namely, that he should not be compelled to summon a number of gentlemen of a comparatively high class to serve with a number of persons of a comparatively low class on ordinary petty juries at quarter sessions?—I think that gentlemen of a high class would object to it, but no doubt it would be a benefit to the jury to mix them.

540. But if it were a benefit to some juries you must take into consideration that when you came to the higher class of juries you would get the lower men mixed up with the higher, must you not?—Yes, no doubt. I think that the present class of persons serving on special juries give satisfaction.

541. Now, with regard to the matter of qualification, have you gone into that question at all?—I think, as far as the metropolis goes, it would be unfair to people rated at 50*l.* and above if the others were exempted. I think the qualification is sufficiently high to ensure a fair average class of petty jurymen.

542. Have you gone into the question at all what the reduction would be if the qualification was made 50*l.*; how many jurors have you in your parish?—Six hundred and fifty-seven, and I find that about 349 are rated above 50*l.*, so that 308 would be struck off by raising the qualification.

543. That would come very hard on the remaining classes, would it?—Yes.

544. *Chairman.*] Is there anything else that you wish to state to the Committee?—No.

Sir Joseph Heron, called in; and Examined.

Sir *J. Heron.*

545. Mr. *Cross.*] You are the Town Clerk of Manchester, are you not?—Yes.

546. You wish to make some observations to the Committee on the exemptions in the Bill, do you not?—Yes.

547. Would you be kind enough to state to the Committee, as briefly as you can, what point on behalf of the City of Manchester you wish to speak to?—In Clause 11, I find in the 2nd paragraph that "The persons described in the schedule hereto shall be severally exempt from being returned to serve, and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same; but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding." Now I am afraid that clause as it stands would practically repeal the 121st and 122nd sections of the General Municipal Act.

548. Will you be kind enough to explain to the Committee what the effect of those two clauses of the Act of Will. 4 is?—The 121st clause merely provides the mode in which municipal boroughs having quarter sessions, the jury list is to be prepared. The 122nd clause provides that the members of the corporation, justices, and certain officers of the corporation, shall be exempt from serving on any jury within the county, and that the burgesses, shall be exempt from serving on any county sessions jury, for the obvious reason that they have to serve not only on their own sessions jury, but also on the court of record jury, which in Manchester meets seven times a year, and also on coroner's juries, which are also confined within the city. I presume that it is not the intention of the Bill to repeal or interfere with the clauses referred to, but I am anxious that the attention of the Committee should be drawn to them, for those exemptions have existed ever since corporations have existed, and they exist now.

549. Will you give the Committee your opinion with regard to the question of qualification?—I think the qualification proposed is too high, but I cannot give you any statistics; Mr. Lings, I believe, is prepared with statistics; but it strikes me that the qualification would reduce the number of jurors very inconveniently, and exempt a great many persons who ought to be called on to serve, even in our own district, and it would act much more strongly, I fancy, in rural districts.

550. Ought aldermen and town councillors to be exempted from serving on juries, do you think?—Yes; that exemption is given by the Municipal Act.

551. That is in consideration of the other public duties that they perform elsewhere, is it not? Yes, I presume that it is in consideration of the time which they give up to the public.

552. Have you formed any opinion on the question of leaving a discretion to the sheriff, with

with regard to summoning jurymen?—I think that a hard and fast line would be inconvenient; provided it is secured that all the jurors on the list shall be summoned before any are called on again to serve, that is enough; I think considerable inconvenience would result from having any fixed rule.

553. The Under Sheriff of Lancashire stated to the Committee that in that county there were a very large number of jurors that he would never summon on any jury, he thinking them incompetent; have you any opinion upon that point?—He may have more experience than I have, but I should not like to give that opinion myself.

554. Supposing it was so; you would not make it imperative that all the people on the list should be summoned, I suppose?—Any rule would have some exceptions, but practically, if but of the thousands on the list the vast majority had been summoned, that would be a compliance with the intention of the legislature

555. It would quite meet your views if an Act of Parliament was passed saying that no person who had served on a jury should be summoned again within a stated period, say three years, would it?—Yes, I think that would give satisfaction. I think jurors should receive, without any payment whatever, a certificate of service; it should be part of the duty of the under sheriff to give that without application and without payment; and if that certificate could secure a man exemption, say for three years (which would be a much shorter period than the whole list could have been gone through in), I think it would give satisfaction.

556. Mr. *Dickinson.*] Does not the first subsection of the 24th clause meet the difficulty you have suggested with regard to burgesses?—No, I think not at all. That clause must be construed with reference to the other clauses in the Act. This clause simply says, "No person shall be summoned or liable to serve as a juror in more than one court on the same day, nor to attend on a jury summons for more than six week days at a time; and every form of jury summons shall specify the six consecutive week days within which the summons shall be in force."

557. A clause which provides that no juryman shall be called upon to serve a second time until the whole list is exhausted, would meet the case, would it not?—No, this Act does not apply to burgesses. Of course, as far as assize juries are concerned, they will benefit by all the clauses that may be introduced; they will be exempt from again serving on assize juries until the list has been gone through, like anyone else, because they are now liable to serve on assize juries, but not on county session juries.

558. But the operation of this Act is to exempt a man when he has served on an assize or session jury from serving again until the whole list is exhausted, is it not?—Yes; but I wish the Bill not to interfere with the exemptions which now exist. The liability on the part of burgesses to serve on county session juries would be created under this Bill, as now printed.

559. But is there any unfairness in including in county juries the burgess jurors, provided you did not force them to perform more than their fair share of duty?—Yes, it would be very unfair, for this reason, in addition to the duties imposed on them in connection with the county, they would be still left liable to serve at their own sessions, which occur much more frequently. Now the municipal Acts expressly prevent their being liable to serve at county sessions: they are liable to serve at their own sessions and on the court of record jury.

560. Mr. *Young.*] If there was an absolute exemption to serve, say for three years, is it not quite possible that in some parts of England the regular turn would come more frequently?—Yes, just so. My opinion is founded on what I know of my own district, where it would take much more than three years to go through the lists.

561. Do you think it would be better to put it that a man should not serve until his turn came?—That is what the Bill proposes, and no doubt he would practically get an exemption suggested; practically, if the Act was carried out he would be exempted for more than three years; certainly he would in our district.

562. Mr. *Egerton.*] Do your burgesses serve in rotation at present on juries?—I am afraid it is a very irregular mode in which they are summoned. I do not think anything like the system suggested by the Bill exists now with regard to session juries in corporate towns.

563. You think it desirable that there should be some alteration in the way of summoning the burgesses?—Yes.

564. You would not take away any of their exemptions, but you would make an alteration in the way of summoning them?—Yes; this Bill only relates to counties and not to boroughs, and any provision would apply to burgesses so far as the liability to serve on county juries existed; but it would not in any way affect the present mode of dealing with burgesses, so far as borough sessions or juries are concerned. Our list is 50,000 in number, and they are not all equally competent as jurors.

565. But supposing this Bill was extended to borough juries, would it then be desirable that there should be an alteration in the way of summoning them?—Yes, I think it is very possible that great advantages would result if an alteration was made in relation to the jurors now serving in boroughs somewhat analogous to those suggested in relation to jurors serving in counties, securing a superior class of men and exempting those that might be considered less fitted to serve, and also securing, a better and fairer mode of summoning them.

566. Do you know how the grand jurors are summoned in session for cities?—I only know that they are taken out of the list of those who are summoned as common jurors, and that it is not very carefully done; a certain class are summoned for the grand juries, and very often people are put on the grand jury in order to get sooner through their work, and also to avoid the liability to serve on a common jury.

567. Do you know whether any favour is shown by the sheriffs' officer to the grand jurors, or whether any payment to the sheriffs' officer is made?—No, I have no knowledge of the subject. In Manchester the common juries are summoned by the clerk of the peace; I am quite sure that no favour is shown, and that there is no attempt to get exemption by payment.

568. But I refer to an attempt, by means of payment, to be put on the grand jury list; is there anything of that kind?—No, I believe not.

569. Mr. *Dalrymple.*] I gather from you that although you think that the qualification as contained

Sir *J. Heron.*

13 June 1870.

tained in this Bill is too high, you are not prepared to admit all the persons that stand on your burgess roll as jurors for your borough?—Certainly not.

570. But you think it is possible that any burgess on that roll might be summoned according to the provisions of the Municipal Act?—No doubt it is possible, according to the Municipal Act.

571. Would you allow magistrates, aldermen, and councillors to be summoned on the grand jury for the assizes, or would you exempt them altogether?—I do not think it is necessary to extend the exemption beyond what now exists; I presume that they are exempted; and exemption might be executed if they chose to claim, but they are rather proud of the honour of serving on the grand jury; I fancy, however, they might claim exemption under the words of the Act of Parliament.

572. It is clearly so, that they are, by the Municipal Act, exempted from serving on any jury, is it not?—Yes, they are exempted from serving on any jury.

573. You do not consider it obligatory that those exemptions should be continued, do you?—Yes; I think it is very desirable that they should be continued, but I do not think that it is necessary that any special allusion should be made to serving on the grand jury for a county, which is looked upon rather as a matter of compliment.

574. But my question relates to serving on grand juries at assizes in cities like Manchester?—Yes, they are exempted by the Municipal Act if they choose to claim the exemption, and there I would leave it; it is not with regard to the grand jury referred to that one feels any anxiety.

575. Mr. *Floyer.*] Have you given the Committee your opinion as to the payment of juries?—No; but without knowing very much about it I may say that it seems to me to be a monstrous injustice that a special juror should receive a guinea for every cause, and a common juror receive what is scarcely worth taking. I think it is very reasonable to pay them something for their loss of time.

576. If it should be the case that common civil juries and criminal juries were taken from the same list, would there be any difficulty or jealousy arising from the payment of common juries in civil cases, and not in criminal cases?—It is only carrying out the principle which has already existed a little further. I was not aware, however, that payment was proposed only in civil cases. I thought it was proposed to pay them for all cases, civil or criminal.

577. You think that would be desirable?—It seems not an unreasonable thing to do; it seems quite reasonable to pay them all for civil cases as well as criminal. Now you pay special jurors who can best afford to perform the duty, and do not pay the common jurors, who are often seriously interfered with by their withdrawal from their business.

578. The remuneration for jurors would be taken from the fund provided by the suitors in civil cases, but from what fund would it be desirable to take the payment in criminal cases?—I suppose it could only be suggested that it should come from the same fund that now pays the expenses of criminal prosecutions, in fact from the Consolidated Fund which is said sometimes not to belong to anybody.

579. Those expenses are partly borne by the counties as well as the Consolidated Fund, are they not?—No, they are all repaid out of the Consolidated Fund, at all events subject to a somewhat rigid taxation on the part of the Treasury. We receive back the whole of the expenses for criminal prosecutions.

580. Mr. *Cross.*] Some portion falls on the county rates in counties, does it not?—I think not; it does not in boroughs unless it is the amounts which are disallowed by the Treasury.

581. Mr. *Floyer.*] But at all events you would take the money for paying criminal jurors from the same fund from which the criminal prosecutions are paid?—Yes, it is, or would be, part of the expense of the prosecutions.

582. And as it would be optional with the sheriff to choose the jurors, either for ordinary civil trials or for criminal trials, it would be only fair to deal out somewhat the same measure of payment to both sides of the court, you think?—Yes, obviously so; it would create an angry feeling if people out of one and the same list were to be summoned on one side and paid, and on the other get nothing.

583. Would you pay them by the day, or by the cause or trial?—I think it would be fairer to pay them so much per day, taking care that they were not receiving pay when they were not in attendance, because it would be rather hard on the jurors who are required to be there that they should be there from morning to night, and possibly not be put into the jury box, and not be paid, while those who were in the box would be paid; but, of course, it would be necessary to take steps to secure the knowledge of the fact that they were in attendance. The under sheriff would very soon arrange that they should be called over at certain times, and if they did not answer to their names they would be struck out of the list.

584. Perhaps you might enforce that arrangement by some small penalty, might you not?—They are liable to a penalty now if they do not answer to their names.

585. *Chairman.*] Is there anything else that you wish to state to the Committee?—No.

Mr. Wace Lockett Mendham, called in; and Examined.

Mr. *Mendham.*

586. Mr. *Dalrymple.*] You are Town Clerk of the city of Norwich and the county thereof, are you not?—Yes, I am.

587. In that city there are both assizes, a general gaol delivery, and courts of record, are there not?—Yes.

588. I believe you have taken pains to send circulars to town clerks and clerks of the peace, for a great number of cities and boroughs, to ascertain the way in which jurors are summoned in those places?—Yes; I was induced to do that, seeing that this Bill was before the House; and feeling the desirability of some alteration from circumstances which have arisen within the city of Norwich, I prepared a circular with some queries attached, and sent it to a great number of town clerks in different parts of the kingdom, and received many answers. A copy of the

the circular and queries, with a tabulated statement of replies, I now have in my hands.

589. Will you have the kindness to put in the circular and the queries, and also the tabulated replies which you received?—I will do so. (*The same was handed in*, vide *Appendix*.)

590. Those answers which you have received indicate an exceedingly uncertain and irregular method of summoning juries in cities and boroughs, I suppose?—Yes, certainly.

591. And the answers taken generally all point to the necessity of altering the present system, and adopting some uniform mode, do they not?—No doubt they do all point to the necessity for an alteration in the mode of summoning juries in cities and boroughs, consequent on the last Act of Parliament for extending the municipal franchise, which in cities and boroughs is almost nominal; and if that is to remain you may have a class of jurors perfectly incompetent, and scarcely above paupers.

592. Have you a copy of the Bill before you?—Yes.

593. Will you briefly detail to the Committee what your views are on those points?—With regard to the Bill as it now stands, it refers to counties only. I have not a very extensive knowledge of juries in counties, except in Norfolk. I can only say that if the qualification which is named in section 6 is to remain, it is much too high in my opinion. I now speak with regard to the county. Take the towns of Dereham, Swaffham, Watton, and other large parishes; the qualification for jurors in that case would be very much too high, and would exclude a good many of the best men. With regard to cities and boroughs, I am inclined to think that the qualification for the grand and special and petty juries should be subjected to a scale according to the population; that is to say, in large populous boroughs the qualification should be somewhat larger than in small boroughs. The difficulty is to know where to draw the line. My own opinion is that in boroughs with a population under 30,000 the qualification for the grand and special jury might be a rental or rating of not less than 30 *l.*, and for the petty jury in no case less than 8 *l.* In larger populations the qualification for the grand and special jury should not be less than 50 *l.*, and for the petty jury not less than 10 *l.*

594. Do I understand you that taking the rating as contained in this Bill, you fear that it would throw the labour upon too limited an area of persons?—Yes, very much so, especially in the county of Norfolk.

595. Will you be good enough now to proceed to the question of the parties who shall make out those lists; are you of opinion that they are better in the hands of overseers of parishes and townships, or would you leave the making out of the lists in any other hands; I am now speaking of towns?—In cities and boroughs, I think there should be an officer appointed to frame the jury list from the burgess roll. I do not think that should be left to the overseer of parishes; it should be either the town clerk or some officer appointed for that purpose, and he should strike out the names of all persons not up to the qualification, and that list so settled should be subject to a revision before the justices in petty sessions.

596. Do you think that in cities and boroughs, either forming one union, or under Gilbert's Consolidated Act, that the clerks to the guardians would not have the most complete knowledge of the rating of the city?—I should rather doubt that. As far as Norwich is concerned, I doubt very much whether the clerk to the guardians has a more extensive knowledge than I have myself with regard to the rating. The rate-books are deposited in one place so that they are examined by anyone without difficulty, and they are liable to inspection at any time. There are many places not situated like Norwich, and where the rate-books are not deposited in a place appointed for that purpose. They remain with the overseers of the several parishes; that would be attended with difficulty except to one person who went through the whole.

597. Now with regard to the schedule of exemptions which is contained in the Bill, are there any additions or alterations that you would make?—In an answer which I obtained from the town clerk of Carmarthen, he made a very proper suggestion, namely, that licensed victuallers and dealers in marine stores should be disqualified. In Norwich I have known a marine store dealer on a jury who has been the means of preventing a conviction on perfectly clear evidence. They are so mixed up with receivers of stolen goods that it is very dangerous they should be allowed to serve on juries.

598. With regard to the remuneration of jurors is it in your opinion desirable that both petty and special jurors should receive a higher rate of remuneration than they at present receive?—I think that the petty jurors should; but that is a most difficult question, and might open the door to a great deal of irregularity. I think that on the trial of causes jurors should be paid, and I think that petty jurors should be paid as well as special jurors; I think 10 *s.* a day is a fair sum to allow for a common juror; I think they should not be paid by the cause but by the day.

599. In forming those jury lists, would you proceed by striking out of the list of ratepayers all persons below a certain amount, leaving them to stand to form the jury roll?—I would make two revisions; first, I would strike off all persons not rated to a sum of 8 *l.* or 10 *l.*, and then I would strike off all persons rated in a less sum than 30 *l.* or 50 *l.*, or whatever the qualification was fixed at, and those two lists should be the grand and special jury list, and the petty jury list. There is another point which I wish to refer to, namely, the question of exemption for town councillors and magistrates; under the 122nd section of the 5 & 6 Will. 4, c. 76, I am strongly of opinion that at present it is a disqualification. I should have no objection to continue the exemption with regard to the magistrates, but I would not continue the disqualification, except in the case of magistrates at quarter sessions. At Norwich, in the case of Sheward, who was tried for murder, from the irregularity which had been practised in summoning the jury by the sheriff, an attempt was made to upset the conviction on the principle that some of the town council were summoned on the grand jury. The attempt failed for this reason, I believe, that the sheriff was not considered to be bound by the municipal law as to summoning jurors in boroughs; he has absolute discretion; but I think it is not at all right there should be an opportunity to raise that question again I believe it was argued three times before the Attorney General decided not to grant a *fiat*. Therefore, I would have the jurors in cities and boroughs, where there is a sheriff, so settled that he should be bound to observe the same

Mr. *Mendham*

13 June 1870.

same rule in summoning for the assizes as the clerk of the peace for quarter sessions.

600. Mr. *Floyer.*] Referring to the schedule of exemptions, do you think it would be desirable to add any class of railway servants?—No, I think not.

601. Are there not some of the higher officials, such as traffic superintendents, whose place could hardly be supplied, and whose absence would be detrimental to the service of the public, and, perhaps, dangerous?—I am not prepared to say that there would be much danger attached to that.

602. Do you think that the places of all railway officials might be supplied by others in case of their absence?—It is done so now in their absence on other business.

603. Volunteer lieutenants are not included, I see, not being in full pay, under the present regulations, but if that was the case they would be exempted just as much as other officers are, would they not?—I should not exempt them unless they were on actual service; in that case they might fairly be exempt, no doubt.

604. Mr. *Cross.*] Do you know what is the number of jurors in the city of Norwich altogether?—Taking the burgess roll as a guide, there are, I think, between 8,000 and 9,000.

605. A number of those would be women, I presume?—There are some; perhaps about 70.

606. Have you any freeholders?—Yes.

607. How many freeholders have you?—I should think that most of the freeholders would be on the burgess roll.

608. Are they, as a class, in Norwich, as good as the rest of the jurors?—Yes, as a class, I think they are.

609. But there would be, I suppose, a good many freeholders among those who would hardly be thought competent to serve on juries?—Yes.

610. How many do you think?—I do not know.

611. If the qualification was raised to 50*l.*, how low would it reduce the list in the city of Norwich?—The population of Norwich is about 80,000, and I cannot say.

612. Supposing the qualification was raised, as proposed in Clause 6, how many jurymen would it strike off?—A very large number indeed.

613. Can you give the Committee any idea at all of the number; would it be one-half?—It would be considerably more than that.

614. Would it be two-thirds, do you think?—More than that. I question whether you would have more than 200 or 300 left in Norwich.

615. Now, as to the alphabetical notion, do you think that would work well, or would you leave a discretion in the sheriff?—I would leave a discretion certainly.

616. Would that be for the reason you heard me state, namely, that it might happen that it would be advisable that the sheriff should not summon a jury from one part of the county where there was a case of considerable local interest likely to be tried at the assizes?—It would be very desirable in that case that he should be able to choose a jury from a different part of the county.

617. And, on the other hand, he should have the discretion of summoning a different class of jurymen for the petty sessions and quarter sessions to what he would for the assizes, you think?—Certainly.

618. You think it would be hard on a certain class of people to mix them up with the others, and you would get bad juries perhaps, would you not?—My impression is that the grand jurors that you have for the borough sessions might be compelled to serve at the assizes as petty jurors.

619. But you would not have the sheriff take them alphabetically, mixing them all up together?—No.

620. And you would not have some of those freeholders of yours summoned to serve on great occasions at the assizes?—Certainly not. A city freeholder is different from a county freeholder; many of the latter, although so called, are not freeholders at all.

621. Will you be kind enough to explain that a little more fully?—I mean faggot votes, where a person has no real interest in a freehold.

622. *Chairman.*] Are you aware that there are 19 parishes in the county of Norfolk, the inhabitants of which are exempted by charter from serving on juries?—There are several.

623. Do you think it is a good plan that those places should any longer enjoy that exemption?—I think the exemption should be abolished.

624. You think it is hard that the inhabitants of those places should be exempt from performing the same duties as the other inhabitants of the county?—Yes, certainly.

625. Are any of those parishes considerable, with regard to population?—Yes, Aylsham is a large parish; New Buckenham is a large parish; Fakenham has a large population; Hingham has a large population; Kenninghall has a large population; Ormsbey has a large population; Winfarthing has a large population; and Wyndham has a large population.

626. Clause 17 provides as follows: "Previously to any list of jurors being produced for revision to the justices of the peace, as provided by the 10th section of 'The County Juries Act, 1825,' the same shall be examined by the guardians of the poor of the parish to which the same shall apply, who shall certify in writing under their hands, at the foot of such list, that they have examined the same." It has been suggested that the overseers would be better persons to revise the lists than the guardians; are you of that opinion?—I am of opinion that a revision by the guardians would be useless.

627. You think the overseers would be the proper channel through which the revision should take place?—Yes.

628. Mr. *Dalrymple.*] Did I understand you to say that you recommended a special officer to form the jury lists in boroughs?—Yes.

629. If the qualification is a rating qualification, would it not be simpler that the overseer of each parish should send in the list of those that came up to the amount of the rating?—The overseers in Norwich take very little trouble indeed in the matter; they leave it to subordinates, and the irregularities they have committed, and which they are committing every day, lead me to think that there should be a person wholly disinterested on the rating question to make up the lists.

630. But the rate-book contains the names of all the persons rated in the parish, does it not?—Yes; or rather, it should do.

631. For the purpose of an alphabetical arrangement of the lists, is it not better to keep them

them in the parishes than to have a new alphabetical arrangement afterwards?—The burgess roll is made now in parishes alphabetically, therefore there would be no difficulty about it.

632. The burgess roll is made out from the overseers' list, is it not?—Yes, the burgess roll is made out from the overseers' lists in parishes in alphabetical order.

633. You still think it would be better to have an officer specially appointed to make out the list of jurors rather than that the overseers who have the rate-books in their hands should do it?—The striking off from the burgess roll would be merely a revision upon what the overseer has done.

634. You only strike off those that do not come up to the rating qualification?—Yes.

635. The overseers would send in a list of the names of those who are rated above a certain value, would they not?—That would only cause double trouble, because the overseer would have to make out two lists.

636. But somebody must make out the jury list, I suppose?—Yes; but my suggestion is that the burgess list should be revised by some officer appointed for the purpose, and then you get a check on what the overseer himself does; if the overseer does it, there must be some check upon him.

637. That would involve the expense of a paid officer, would it not?—It would be very trifling whatever it was; the payment might be in proportion to the duty performed, and settled by the magistrates in petty sessions, to whom there should be an appeal.

638. Mr. *Amphlett.*] The burgess roll forms the jury list, does it not?—Yes, it forms the jury list.

639. There is a sheriff at Norwich, is there not?—Yes.

640. Who summons juries?—He summons the juries for the assizes, but not for the borough sessions.

641. Who summons the juries for the borough sessions?—The clerk of the peace.

642. Are you aware whether, having got the jury list, it is the practice at Norwich as it is in counties, I believe, to make out a separate list of special jurymen?—The Sheriff of Norwich has nothing whatever to do with the burgess roll in striking the jury; he strikes it, or his under sheriff does it wholly irrespective of the burgess roll.

643. What is his guide?—He takes the directory, the Parliamentary register, and probably the burgess list, and he selects from those three things the jury, and returns the panels accordingly.

644. What is his guide for summoning the special jury; is it according to the rating, or according to the description of the parties in the roll?—Simply from his knowledge of the parties.

645. Suppose a party is described as a gentleman, for instance, and not as an esquire, would that prevent his being summoned on the special jury?—Certainly not.

646. In fact, the sheriff is guided more by his knowledge of the respectability of the persons, or from his rating qualification, than by his description in the burgess roll?—I should say the under sheriff, and perhaps the sheriff himself in some cases, is entirely guided by his knowledge of the parties.

647. Do you know whether in counties practically the under sheriff proceeds from his own knowledge, or from the description of the party in the jury list?—I think he is guided in a great measure by the description in the jury list in counties.

648. Are you aware that in counties the sheriff or under sheriff exercises the discretion in not summoning persons who he thinks are not proper to serve upon juries?—I have known that of my own knowledge in the county of Norfolk. If the sheriff thinks a man incompetent, he does not summon him.

649. Would it be inconvenient if he were obliged to summon everyone according to a rota?—That would lead to inconvenience in many cases.

650. You would get a less efficient jury by that means, would you?—It is possible that it might be so, but I can adduce no instance of that kind.

651. Mr. *Welby.*] You say that the qualification proposed in Clause 6 would reduce the list from 8,000 or 9,000 to a very small number?—Yes.

652. Would you recommend that the existing standard, of an annual rateable value of not less than 20*l.*, should be raised at all; I think you state that to raise it as is proposed in Clause 6, would affect the county of Norfolk very much?—Yes, certainly, in many parishes.

653. Have you many towns in Norfolk, besides Norwich, with a population of above 20,000?—No, not many.

654. There are one or two, are there not?—There is Yarmouth, but that is exempt, I believe, and Lynn; there would be no other town, I think, above 20,000.

655. With regard to Clause 17, do you think that no intermediate examination of the list would be desirable between the overseers and the magistrates who are to revise it?—I do not think it necessary.

656. Do you think, practically, that the magistrates do exercise any revision?—Yes, I have seen it myself.

657. Mr. *Egerton.*] I understand you to say that you recommend that the qualification for grand juries at borough sessions should be specified by law?—Yes.

658. Rather than leaving it to the discretion of the summoning officer?—Yes.

659. Have you known any instances of abuse of that discretion, in the way of selection for the grand jury; the Committee have been informed that parties have paid to get on the grand jury list?—I have no knowledge of anything of that kind.

660. You do not know that any favour has been shown to any person by placing them on the grand jury list, in order to escape a longer service?—I have heard it intimated that gentlemen wish to serve on grand juries because the duties are short compared with what they are on the petty juries. I have known gentlemen serving on the grand jury who, I believe, ought not to have been on the grand jury, and ought to have been on the petty jury.

661. You would have such a qualification, would you, as would prevent those qualified to serve on the grand jury from serving on the common jury?—Yes, at the sessions.

662. But not at the assizes?—No, not at the assizes. And I would alter the law with regard

Mr. *Mendham.*

13 June 1870.

to the exemption or disqualification in the Municipal Act; it is more than an exemption, it is a disqualification, as I have mentioned.

663. Mr. *Amphlett.*] When you say you would have a special qualification for grand jurors, is it simply a rating qualification you allude to?—I would take the rating as the basis, but I would not exclude bankers, esquires, and merchants.

664. An esquire by courtesy and an esquire by law being two very different things, how would you define it?—I would take it as esquire by law. Then, with regard to the term "merchant" that is most indefinite sometimes in cities and boroughs; I have known a man serve on a special jury with that title of "merchant" who was a fish hawker.

665. Or he might be a rag merchant?—Just so.

666. Mr. *Young.*] Did I understand you to say that there was no town in Norfolk, besides Norwich, with 20,000 inhabitants?—No; Yarmouth and Lynn are both towns in point; Lynn has not quite 20,000 inhabitants; according to the last census it was 16,170, and Yarmouth was 34,000 by the last census.

667. *Chairman.*] Is there anything further you wish to state to the Committee?—No.

Mr. Thomas Lings, called in; and Examined.

Mr. *T. Lings.*

668. *Chairman.*] What profession do you follow?—I am controller and assistant overseer to the board of overseers of Manchester.

669. Has your attention been directed to the question of the Juries Bill which we are now considering?—Yes.

670. Have you any observations or suggestions to make to the Committee on that subject?—I would remark on the 6th clause, that the qualification in that clause is too high, in my opinion, and would greatly reduce the present jury list in Manchester; it would have a very serious effect; it would reduce it at the very least by two-thirds.

671. In your opinion, would it be better to leave the qualification at the rateable value of 20 *l.*, or would you raise it?—I would raise it in towns to 30 *l.*; 10 *l.* would make a great difference with regard to the quality of the jurymen that you obtained; at present there are a large number of people who occupy premises of between 20 *l.* or 30 *l.*, who are beersellers and small shopkeepers.

672. You would suggest raising the qualifications to 30 *l.*, the same as it is in Middlesex and London?—Yes.

673. Have you anything to state to the Committee with regard to clause 7?—With regard to clause 7, I think that for special jurors, where they occupy premises elsewhere, that is to say, where they do not reside on the premises, but reside in the suburbs, I would put them down at 100 *l.* instead of 200 *l.*; that would be for the special jurors only.

674. Will you kindly proceed with any other observations you may wish to make?—We have an objection to clause 13, with regard to the mode of remuneration, for this reason: the Committee will see at once how it would affect large towns like Manchester; the Bill would reduce the number from about 2,200 odd to about 600 or 700, and presuming that the magistrates allotted the sum of 1½ *d.* per name, which I should consider would be a very fair remuneration, it would not pay for printing the list or even writing it out, as we have to publish a copy on each church and chapel door; we have upwards of 70 churches and chapels in Manchester. The expense is greater in proportion than it would be in small places, who would have perhaps as large a number of jurymen, and the overseers should not have to pay anything out of their own pockets.

675. You suggest that their expenses should be reimbursed to them, but that there should be no remuneration for making out the list?—Just so; we have none now. In the 16th clause I wish the Committee to insert the word "wilfully" after "any overseer," and strike out the words, "without reasonable excuse to be allowed by the justice or justices having cognizance of the case." Under the present statute if we do anything wilfully wrong we are liable to be punished, and we are quite willing to be punished if we do wrong wilfully, but we do not wish to be at the caprice of even the magistrates to say what is right or wrong. The present law as it stands has the word "wilfully." Then in the 25th line, after the word "or," and before the word "omit," I would propose to insert the word "wilfully" again. With regard to the 17th clause, we certainly do not see any advantage to be obtained by the jury list going before the board of guardians. As a rule, they know nothing about who is qualified by rating, and my own opinion is that they would simply sign the lists and pass them on.

676. In your experience do the justices revise the lists pretty carefully when they are submitted to them?—My experience is that they sign the lists and pass them as they are delivered to them by the overseers; they have been published, and if anyone makes a just objection, the name is struck off; if they do not object, the justices take it as a matter of course; it is made out from the rate-book; it is made out yearly or half yearly, and in Manchester it is every year. Every place is visited to ascertain the names of the occupiers, and of course they get placed on the list if they are qualified in every other respect, and I do not see how the magistrates can revise it more than that.

677. You think that any intermediate tribunal between the overseers and magistrates is not necessary?—Quite so, in my opinion; I do not see what the guardians are to do even under this clause. Then there is clause 19; now that is a clause which, so far as we are concerned, we consider objectionable; it would require us to appoint officers to be constantly going round the town to know who was dead and who had left. I think that the 11th section of the 25 & 26 Vict. is quite sufficient, which declares that summonses may be sent through the post, and if the man is dead, or has left, the letter is returned to the sheriffs' officer, and he obtains the information quicker than he would get it otherwise. Suppose the assizes are held in August, and between June and August a man has died, we should not return him until the 1st of October, the list being made out every year; it is not that the

the lists are revised by the overseers, they are made out afresh altogether, and sent to the magistrates, who sends them to the clerk of the peace.

678. Would not there, in a great town like Manchester, be very great changes by death or removal in the course of 12 months?—No doubt.

679. Would not a periodical revision be an improvement, say, every six months, even supposing you did not do it quarterly?—That would not assist the sheriff; he sends out a summons, and it is returned to him in three days if the party has removed or is dead.

680. Is that the case in Manchester?—It is so under the Statute. Then with regard to the 24th clause of the Bill, the 6th sub-section; I would ask the Committee to insert the word "wilfully" after the words "summoning officer," instead of the words "without reasonable excuse, to be allowed by the justice or justices having cognisance of the case," which is very indefinite; I would put them in the position that every other party should be put in.

681. Have you looked at the first sub-section of that clause 24, with regard to jurors being summoned in rotation?—Yes.

682. Do you approve of that?—I would make this suggestion, that instead of "by rotation," a party should not be called upon to serve again if he had served once, but that he should be exempt, say, for three years.

683. You would give a certificate that he should not be called upon again to serve on a jury until the list was exhausted, would you?—Yes.

684. Then would you leave to the sheriff a discretion as to whom he should summon?—Yes.

685. Taking care that the same man should not be called upon capriciously to serve again until the list was exhausted?—Just so; he would produce his certificate to prove he had served already.

686. Do you think in clause 25 that the notice of six days is too long?—No, I do not, where people have to make arrangements to be away from their business.

687. Have there been great complaints in Manchester, as there have been in London, that the jurymen are summoned without sufficient notice; very often it is only 12 hours' notice, is it not?—Yes, there have been complaints constantly, and as to being summoned too often on juries. With regard to the schedule, I want to plead for an exemption for the poor law guardians and the overseers of the poor. I think as long as they are filling a public office, where they have to give a considerable amount of time, it is only right that while they are giving that amount of time to the public they should not be liable to serve on the jury.

688. Mr. *Cross.*] There is no exemption at present of that kind, is there?—No. With regard to the poor law guardians, anyone knows that if a guardian fulfils his duty it takes up a considerable portion of time, and also the duty of an overseer.

689. *Chairman.*] On the question of exemption, it has been proposed to declare in the Bill that the age should be extended from 60 to 65; what is your opinion about that?—I should say that 60 was a proper limit of age; there are quite enough people under 60 to serve on juries.

690. I think in Lancashire there are no places that are exempt by charter or by precept, but I suppose you would approve that any such exemption should be removed, and that every place should contribute its fair quota?—Yes, certainly; there should be no exemptions of particular localities any more than the exemptions that formerly there were for places not being rated to the relief of the poor.

691. Are you aware that in the neighbouring county of Cheshire there are two or three considerable places, the inhabitants of which are exempt from serving on juries; there is the township of Nantwich, the township of Tatton, near Nether Tabley, Warburton, part of Mere, part of Over Tabley, part of Rostheme, one tenement in Lynn, five in Comberbach, two in Plumley, one in Hale, two in Nether Knutsford, one in Over Knutsford, and one in Maybury?—Yes. They all appear to be Lord Egerton's property.—Mr. *Egerton.* No, they are not.

692. You would approve of those exemptions being removed?—Certainly.

693. In Lancashire there is no place exempted, is there?—I am not aware of any.

694. Mr. *Young.*] You plead very hard for the word "wilfully" to be inserted?—Yes.

695. What good would that do if you have only to give a reasonable excuse to the justices?—But suppose the justice does not consider it reasonable?

696. But is he not to try the question of "wilfully"?—No; the onus of proof should be put upon some one else; if a party brings a charge against us he must show at least a *primâ facie* case.

697. Is not that impossible?—No, I think not.

698. You say that a man should have a certificate of exemption for three years; I suppose you mean that he should not be summoned out of his turn?—Yes; at all events he should have three years' grace.

699. But why do you say three years, because the list may be exhausted long before that, may it not?—At all events I think you ought to say some definite time.

700. Would almost any definite time do?—Yes.

701. How can you guard against the list being exhausted before the definite time is over?—I scarcely think that there is a county in the whole of England and Wales where the jury list would not last over and above three years.

702. You know your own neighbourhood, but how can you speak for others?—I cannot say positively, but I believe it is as I say.

703. But your principal object is that a man should not be summoned again capriciously till his brother jurymen had served?—Yes.

704. You wish the poor law guardians and overseers to be exempt?—Yes.

705. It is within my knowledge that some poor law guardians are not very intent on their duties; are you aware of that?—That is so much the worse.

706. But take a man elected as guardian who does not come more than once a year, do you think he should be exempted?—If the ratepayers place him in that position, and he does not attend to his duties, they will take him away the following year, or they ought to do it; but there will always be exceptions.

Mr. *T. Lings.*

13 June 1870.

707. You seem to think that those quarterly revisions are not necessary, because you get your summonses returned so quickly through the post?—Yes.

708. But a great number of those would come not from men who were dead, but from men who had removed, would they not?—Suppose they have removed, and the qualification as juryman is altered, we simply have to send word that the party has removed.

709. A man moves from one street to another, and you get back his letter through the post; but if you had had a revision you would have summoned him at the right address, would you not?—The postman will find that out. He does not return letters wthout trying to find out where the man has removed to, and they always forward the letters on if a person has left his address.

710. Mr. *Amphlett.*] Who summons the jury in your town?—The clerk of the peace in the borough, and the deputy sheriffs in the county.

711. Do you know who summons the jury for the county court?—I do not know.

712. Do you know whether any separate list is kept of the special jurymen?—I do not.

713. You are an overseer, are you not?—Yes.

714. Are you particular in returning the description of the parties; you are aware, strictly speaking, that the special jurymen are taken from a list in which they are described as merchants and bankers, and so on?—Yes.

715. Do you take particular pains in returning a man according to his proper designation?—If he is a banker we describe him as a "banker," if he is a woollen manufacturer we describe him as a "woollen manufacturer," or if he is a calico printer we describe him as such.

716. You do not put them down as "merchants"?—No.

717. Are any of those which you return as "calico printers" ever summoned on special juries?—I am not aware of that; I have seen their names for grand juries on the sessions for the borough, but not for the assizes.

718. Are the grand jurymen taken from the same class as the special jurymen?—Yes.

719. You do not know of any distinction, I suppose?—I do not know of any distinction.

720. Mr. *Welby.*] Have you considered the probable effect of your proposed exemption of guardians and overseers in rural districts, consisting of a great number of small parishes where a very large proportion of the principal farmers are either guardians or overseers?—Yes.

721. Would it not practically exempt a great many of the best men in those districts?—No, I think not; there is generally in rural districts only one guardian to each parish, and surely if he is devoting his time to the public during his year of office, he might be exempted from serving that year on the jury.

722. But practically the same man holds office from year to year in small parishes, does he not?—Yes; if he does he is still performing that public duty to the relief of others; it is only fair that others should serve on the jury to his relief. My difficulty would be in parishes such as I know in Derbyshire, where there are only two people perhaps who occupy a whole parish, but those cases are very few.

723. But you are not sufficiently acquainted with other parts of the country where parishes of that kind are common perhaps?—No, I am not.

724. Mr. *Egerton.*] Who summons the jurymen for the Court of Record at Manchester?—The town clerk virtually; but he has a deputy, a bailiff I think he is called.

725. Are you aware that all those who are summoned to that court are also summoned to the other sessions as well?—Yes, I have known them to be so.

726. In the same year?—Yes, in the same year, and in fact within three weeks of each other.

727. You think it very undesirable that that double service should be continued, do you not?—Certainly, it is undesirable.

728. If the lists are properly made out and the names taken in rotation, you would avoid that, would you not?—Yes, most certainly. I do not think that as far as Manchester is concerned, a party would have to serve more than once in seven years.

729. That is to say leaving some discretion with the summoning officer?—Yes.

730. And not having an alphabetical arrangement?—No, I think there should be no hard and fast line; a man should not be called upon to serve in less than three years, or something of that kind.

731. Mr. *Floyer.*] Would it not be desirable to add to the descriptions of persons on jury lists their rateable qualification?—I think that would be a very great improvement, because it would guide the clerk of the peace materially in summoning the different juries.

732. There could be no reason against that, could there?—None whatever. It is only putting in another column.

733. If guardians were exempt, would it not be necessary to exempt justices of the peace?—I should say that magistrates ought to be exempt.

734. You do not know counties, I think you said, in which there are a very large number of very small parishes?—Our parishes are divided into townships. The parish of Manchester comprises 29 townships, all having the management of their own poor.

735. Townships are practically the same as parishes, are they not?—Yes, practically they are the same.

736. Have you ever thought at all whether it would be desirable to exempt any class of railway officials?—No, I have not thought about it. But I think that all parties who were holding any public offices should be exempted.

737. Ought not the exemption to be made with regard to the service of the public rather than people's own advantage?—I think that it has been the rule, at all events with regard to Lancashire, that where a party could show he was simply a servant he was excused.

738. Do you think that there are any railway officials whose duties are so important, being such as could hardly be discharged by other persons, as would make it desirable to exempt them?—Not in the higher grade of railway officials; I think not.

739. Mr. *Cross.*] Could you give the Committee the number of jurors in the city of Manchester at this moment?—In the township of Manchester there are 2,217.

740. The city of Manchester comprises a great many

many townships, does it not?—Yes, it comprises four other townships.

741. Out of that number of 2,217 of the one particular township of Manchester, how many would be publicans and beersellers?—Nearly 35 per cent., 768.

742. Does that represent the proportion of publicans and beersellers in the neighbouring townships of Manchester, too?—Yes, the other townships will bear a similar proportion.

743. Supposing this qualification were raised to 50 *l.*, under clause 6, what would be the effect in Manchester on the jury list?—It would reduce it quite by two-thirds, 70 per cent. at the very least.

744. Would all those publicans and beersellers remain on the list?—No, they would be wiped off to a considerable extent; some of the publicans would be left on, because some of them occupy very heavily assessed premises.

745. Clause 10 enacts that "No alien shall be entitled to be tried by a jury *de medictate linguæ*;" how are those foreigners summoned at present when they want a jury of that kind?—I do not know how they are summoned.

746. With regard to this alphabetical list which has been spoken about, are you of opinion that an alphabetical list would not work?—Certainly not.

747. On what ground do you base that opinion?—On this ground, that if you get a fresh jury list every year, you cannot get through the list before you get a new jury list.

748. Before you had got from A to B, the C's would be totally changed, would they not?—Yes.

749. *Chairman.*] Have you looked at that clause which provides for the remuneration of jurymen?—Yes.

750. Do you approve of that?—I think it is a very great improvement on the present system. Special jurymen are at present paid, and petty jurymen are practically not paid at all.

751. They get 10*d.* for attending, but that is equal to no payment, you think?—Just so.

752. Do you think that they should be paid by the day, or per cause?—Per day; because you simply want to remunerate them with regard to finding refreshments, and so on.

753. Is there any other point that you wish to refer to?—No.

Thursday, 16th June 1870.

MEMBERS PRESENT:

Mr. Richard Bright.
Mr. Cross.
Mr. Donald Dalrymple.
Mr. Dickinson.
Mr. Wilbraham Egerton.
Viscount Enfield.
Mr. Floyer.
Mr. Gordon.
Mr. Hanbury-Tracy.
Mr. Welby.
Mr. Adophus Young.

VISCOUNT ENFIELD, IN THE CHAIR.

Mr. NICHOLAS TREVENEN TRENGROUSE, called in; and Examined.

Mr. *Trengrouse.* 16 June 1870.

754. Mr. *Young.*] YOU have been for many years assistant overseer to the parish of Helstone, have you not?—Yes.

755. You know therefore, the work of the town very well?—Yes.

756. You have borough sessions held there, have you not?—Yes.

757. You have read the clauses of the Juries Bill before this Committee, I believe?—Yes.

758. And your attention has been called to clause 6, has it not?—Yes.

759. About how many people are there in Helstone; it is under 20,000 at all events, is it not?—Yes, it is a small borough.

760. You see by this Bill that it is proposed in a borough like yours that the qualification for serving on juries should be that the party should be rated to the poor at not less than 30 *l.*?—Yes.

761. The Committee would invite your attention to that, with regard to whether you think it too low or too high a qualification for your part of England?—It is too high for us, I think.

762. Do you think it would be considerably too high for you?—Yes, I think it would.

763. I think you have made out some table of statistics relative to the number of persons that would be rated to the poor at various sums?—Yes.

764. Will you be kind enough to tell the Committee how many are rated at and above 5 *l.*, exclusive of women?—There are rated at 5 *l.* and under, 424 persons. Above 5 *l.* and under 10 *l.*, 128 persons. Above 10 *l.* and not above 15 *l.*, 47 persons. Above 15 *l.*, and not above 20 *l.*, 31 persons. Above 20 *l.* and not above 30 *l.*, 55 persons. Above 30 *l.* and not above 40 *l.*, 12 persons. Above 40 *l.* and not above 50 *l.*, 10 persons. Above 50 *l.*, 14 persons.

765. Supposing the qualification was left at 30 *l.* as proposed by this Bill, how many persons would be qualified above 30 *l.*, excluding all those who are not rated so high as 30 *l.*, and taking them above that sum?—There would scarcely be 50 persons.

766. It is the fact, I understand, that in Helstone, and I suppose you can speak pretty well for other small towns in Cornwall and Devonshire, the rents in towns are low compared with other parts of England?—Yes.

767. More particularly in such places as Manchester, Birmingham, and Liverpool?—No doubt. I think a house in Helstone that would fetch 20 *l.* a-year, would be worth 50 *l.* or 60 *l.* in some large places.

768. What rate then do you think, speaking only for your part of the world, would be the proper sum below which we should draw the line; what would give a good class of men to try such cases as come before juries, and at the same time make the duties not extraordinarily onerous on those who have to perform them?—I see, looking at my figures, that if you are to exclude all those who are rated so low as 5 *l.*, even then you would knock off 424 out of 865. The latter number includes about 140 women.

769. That is to say, about one-half?—Yes; about one-half.

770. Suppose you put the rate at 10 *l.*, what would that leave you in your own part?—It would be about 170.

771. From your knowledge of the residents there, do you think that a line drawn at 10 *l.* and above would give a good class of men for the trial of cases?—Yes; I think so; they all serve now, or are liable to serve; but I apprehend that the summoning clerk, who is the clerk of the peace, makes out the list, and I presume he uses his discretion, and with regard to those who are rated the lowest, very few of them are ever summoned.

772. So far as your part of the world is concerned, if Parliament put the minimum at 10 *l.*, that would give you a good class of people to try causes, you think?—I think so.

773. And still leave you a sufficient number of people to perform the duties required, without their being too onerous, I suppose?—It would be about 170 from which you would have to take persons exempt from old age, and clergymen, and so on.

774. Now with regard to the payment of jurors, are you of opinion that it would be better to pay jurors by the day or by the case?—By the day, I think. I have known jurors to be on one case five days, and in other instances, perhaps, jurors might get rid of half-a-dozen cases in one day.

775. This Bill does not propose any payment to criminal jurors, but do you know that that is a cause of discontent at present?—Yes; that has been long complained of. Only on Saturday last I heard the judge of the county court say that he

Mr. *Trengrouse.*

16 June 1870.

he hoped, before long, the jurors would be much better paid. I believe they are entitled to 1 *s.* now.

776. That is a civil jury? — Yes, a civil jury.

777. About leaving a discretion, or otherwise, in the hands of the summoning officer who, in a borough like yours, I suppose would be the clerk of the peace, would you leave a discretion with the clerk of the peace in summoning, or do you think it would be better that an Act of Parliament should be passed, limiting to some extent his discretion?—I think it had better be rather limited, especially for small places.

778. I suppose there have been such things as an idea that there was favouritism going on, either in summoning or non-summoning jurors? —That might be so with some people; I do not know that that would make much difference, because you can challenge the jurors; but perhaps if the duty of the summoning officer were defined, it would be more pleasing to him, it would be to me; I should not like to have much discretionary power myself.

779. *Chairman.*] May I gather from your evidence that it is your opinion that the same objection to raising the qualification which would apply in your own district, would apply also to the West of England generally? —Yes, in small towns.

780. You would feel that the qualification should be left as it is at present, would you?—I think it is rather too high even now for small towns and boroughs.

781. Mr. *Bright.*] I suppose your objection would apply to country parishes also?—I think in parishes the holdings are much larger; it would be a very small farm that would not be rated at 20 *l.* or even 30 *l.*

782. Then so far as your knowledge of small towns goes, 10 *l.* would be the minimum?—Yes.

783. But in country parishes you would put it at 20 *l.*—I think they would nearly all be liable to serve in parishes, except cottagers.

784. But they would not be cottagers at 20 *l.*, would they?—No; but there are very few holdings that would not be rated at 20 *l.* and above.

785. That is to say, in country districts?—Yes, in country districts.

786. And those you would consider a fair class of men to make jurors?—Yes, you would get some very good men even at a much lower rate than that now. In the neighbourhood of Helstone there are a great number of small holdings; they rise just in this way: very many of the holders are of the mining class; they take leases of about perhaps six or eight acres of common land, and build a house on it, making the lot worth 10 *l.* per annum, and some of these holders are quite as good and fully as shrewd as many men who are rated higher; I do not know that it would ensure a perfect jury list to even rate them as high as 50 *l.*

787. In country districts generally, you think it would do to put the qualification higher than you would put it, speaking only for your own part?—Yes, I think so.

788. *Chairman.*] Is there anything else that you would wish to state?—No.

Mr. William John, called in; and Examined.

Mr. *W. John.*

789. *Chairman.*] You are, I believe, a solicitor and town clerk at Haverfordwest?—Yes.

790. You have been in practice as an attorney and solicitor for some years in that town, have you not?—Yes.

791. Haverfordwest is a town and county, is it not?—Yes; having a jurisdiction separate from that of the county of Pembroke, within which it is locally situated.

792. The courts of assize, general quarter sessions, and *nisi prius*, are held there four times a year, I believe?—Yes; the courts of assize and *nisi prius* twice a year, and the quarter sessions four times a year.

793. For each of those courts panels of the grand and petty jury are summoned by the sheriff, and for the court of *nisi prius* a panel of the special jury is always liable to be summoned?—Yes.

794. The jurors are persons residing in the town of Haverfordwest, are they not?—Yes.

795. That is to say freeholders, leaseholders, and householders?—Yes.

796. What is the qualification?—The qualification for householders is assessment to the poor rate at 12 *l.* a year.

797. What is it for leaseholders? — £. 12 a year, issuing out of leaseholds for 21 years or for life.

798. How much is it for freeholders?—For freeholders it is 6 *l.* a year.

799. Can you give the Committee the number of jurors at present in Haverfordwest?—I think it is about 140.

800. Has your attention been called to clause 6 of the Juries Bill, which proposes, in England, to raise the qualification, and in Wales, to assimilate the qualification of jurors?—Yes.

801. Would that, in your opinion, be advantageous or disadvantageous to Wales generally?—It would be disadvantageous in some localities.

802. Will you be kind enough to tell the Committee why you think so?—So far as regards Haverfordwest, the raising of the qualification would very much reduce the number of persons qualified to serve on juries.

803. To what extent do you think they would be reduced?—I think in our little borough it would reduce the number of persons qualified as occupiers to about 35, and that number added to the number of persons qualified as leaseholders and freeholders would make altogether a total of about 65 only. The list would be reduced from somewhere about 140 to 65.

804. Which would not be sufficient to perform the various duties required, I suppose?—Certainly not. For the assizes there are required to be summoned at least 100 to 105 jurors for all the panels.

805. You have looked at the other clauses of the Bill, I suppose?—My attention has been principally directed to the clauses with regard to the qualification of jurors.

806. In your recollection, have any complaints been made by jurors of their having been called upon to serve too often?—Yes, that is a common complaint.

807. That the list is not exhausted before the same

Mr. *W. John.*

16 June 1870.

same person is called upon to serve?—That is sometimes the case; but as a rule, I believe, in our borough, and also in the county of Pembroke, generally, the summoning officer always takes care to exhaust the list first.

808. The cause of complaint then, would be, that the list is not long enough, and not from the fault of the summoning officer in showing favour or partiality; is not that what you mean?—Just so; more especially with regard to Haverfordwest.

809. A clause of the Bill proposes that special jurors should receive a guinea a day for their attendance, and common jurors 10 *s.* a day; do you think that that would be a fair remuneration for their services?—I think it would.

810. Mr. *Hanbury-Tracy.*] Have you considered how this qualification clause would apply to other parts of Wales?—So far as the counties are concerned, the change proposed by the Bill would, I think, be rather advantageous than otherwise.

811. You know, I suppose, that the Bill only applies to counties and not to boroughs?—I was not aware of that.

812. Haverfordwest is quite an exceptional case, I suppose?—It is quite an exceptional case; it is a county of itself, having a separate lord lieutenant, a separate sheriff, and separate justices of the peace.

813. Is there any other similar case in Wales?—Yes; there is the county of the borough of Carmarthen, which is rather similar; so far as juries are concerned it is similar.

814. With that exception, there is no other place like Haverfordwest, I suppose?—Not in South Wales, and I believe indeed, not in North Wales.

815. In other parts of Wales, what qualification do you think ought to exist?—I think the qualification proposed by the Bill would do for counties in general; that is to say, raising the qualification to 30 *l.* a year rateal.

816. You do not think that Wales ought to enjoy any special exemption?—No, I think not.

817. In fact your evidence applies to Haverfordwest, of which you have special knowledge?—Just so.

818. With regard to special jurors; do you think the qualification as contained in the Bill is too high, that farmers possessing farms of 500 *l.* a year should alone be entitled to serve as jurors?—With regard to my immediate locality I fear it would be rather too high; we have very few farmers having farms at 500 *l.* a year in Pembrokeshire.

819. Have you any?—Yes, perhaps half-a-dozen.

820. What qualification would you recommend for special jurors?—Our special jurors panel has generally been selected from the justices of the peace and merchants; and so far as my experience and recollection go there has never been any lack of jurors of that description in Pembrokeshire.

821. Then you would retain the titular qualification of esquires, merchants, and bankers?—Yes.

822. But you would also make a qualification, would you?—There is no objection to that course; as a rule, in our neighbourhood, a person who occupies a farm of 500 *l.* a year farms his own land, and is generally in the commission of the peace; there are very few indeed, I think not half-a-dozen tenant farmers of 500 *l.* a year.

823. Would you consider that the holder of a 200 *l.* a year farm would be a fair person to return for a special juryman?—I would rather see it higher than that.

824. Would you consider that 300 *l.* would be high enough?—Yes, 300 *l.* perhaps would do in our own locality.

825. But even with 300 *l.*, you would have very few special jurors?—We should not have many from that source alone.

826. There are very few towns in Wales with a population of 20,000, I suppose?—There are a few higher up, and more easterly; Swansea, Cardiff and Newport.

827. What notice should be given to jurors, in your opinion; in the Bill it is put at six days; do you think that is too much?—No, I think that would be a reasonable notice.

828. You think it should not be less, I suppose?—Certainly not less.

829. Do you think that service on the grand jury ought to exempt a man from serving on the special jury?—No, in our case it does not.

830. But in the Bill before the Committee, you observe it is so, do you not?—I have not given close attention to the subject.

831. Is it not the case in Wales, that if a grand juror were to be exempt from serving on a special jury, you would reduce the number to such a small amount, that you would not have enough for ordinary juries?—Certainly, that would be so.

832. Do you think that the qualification in towns ought to be somewhat different to that in the counties; that is to say, for instance, if you have the qualification of a farmer for common juries at 30 *l.* in counties; in towns it should be 20 *l.* or something under that?—So far as our own town goes, I should be very sorry to see it increased at all.

833. But I mean with regard to other parts of Wales?—So far as my knowledge goes, there is hardly any other town in South Wales which has a separate jury panel, except Carmarthen; I think Carmarthen is pretty similar to us; it is a larger population by 2,000 or 3,000, but still the effect of the Bill would operate there prejudicially also; it would be better to leave the qualification as it is, I think.

834. Mr. *Dickinson.*] What is the population of Haverfordwest?—About 7,000.

835. Is the jury qualification there under charter?—No, it is regulated by the Jury Act of 1825. Formerly, before the passing of the Municipal Corporation Act, it was regulated by charter, and freemen only were qualified to serve as jurors.

836. It is now regulated under the Act of 1825, which is mentioned in the Bill, the County Jurors Act, 1825?—Yes.

837. Would this change of qualification effect any difference in the number of jurors for the the county of Pembroke generally?—Yes, I think it would rather lessen the number.

838. It would not lessen them prejudicially, I suppose?—I think not.

839. Mr. *Bright.*] You mean that the change from 30 *l.* to 50 *l.* would not do that?—No.

840. Then, *à fortiori*, equalising it with the amount for England, that is to say, 30 *l.* and 20 *l.*, would be still less prejudicial, I suppose?—Just so.

841. Mr. *Egerton.*] Do you approve of the grand jury qualification being the same as the special

special jury qualification?—With regard to the grand jury qualification, I do not know that it would be at all an advantage to specify the qualification.

842. What is your present custom with regard to summoning the grand jury?—As a rule the persons summoned on the grand jury are justices of the peace, and other persons of position in the county, and it is done very fairly, I think. I do not know that limiting the qualification would be advantageous in that respect.

843. How often in the year are your jurors summoned, are they summoned more than once, I mean the same jurors?—Yes, it is so at Haverfordwest because the number is so small; being only 140 it may be necessary to summon the same people twice in one year.

844. It would not be advisable to lower the qualification, I suppose, in order to distribute it over a greater number?—I should not like to see the qualification lowered; some other course, perhaps, might work advantageously.

845. Is that generally the case with regard to the small number of jurors?—No, not in counties, there is always a sufficient number in counties. I have never heard of any complaint being made of persons being summoned too often except in our own town.

846. Mr. *Dalrymple.*] You are a corporation at Haverfordwest, are you not?—Yes.

847. You have a burgess roll, of course?—Yes.

848. What is the rating of your burgess roll; what constitutes a burgess?—The occupation of a house or land, and being rated in respect thereof.

849. Rated at 6 *l.*, do you mean?—There is no limit; it is occupation and payment of rates.

850. That being so, are there any burgesses who are of so low a stamp, that you would not summon them on petty juries?—Yes, there are; I should not like to see the qualification lower than 12 *l.* a year.

851. If the qualification was reduced as low as 10 *l.* a year, would that materially add to the number of your jury list?—It would increase the number, but not very materially.

852. But would it do so to any inconvenient extent, with regard to the character of the persons?—No, there is not much difference between 10 *l.* and 12 *l.* in that respect.

853. My reason for asking you that, is this; it is very desirable to have, if possible, only one minimum for the borough and the city qualifications, and therefore, supposing the difference between 10 *l.* and 12 *l.* did not materially interfere, you would not object to 10 *l.* instead of 12 *l.*, I suppose?—No, not at all.

854. Mr. *Floyer.*] Is the character of the juries in Wales generally satisfactory?—On the whole, I think it is satisfactory; but there are complaints there as well as elsewhere.

855. Have you ever heard that the judges sometimes have shown a little dissatisfaction with the verdicts in Wales?—Yes.

856. Do you think that that arises at all from the qualification being lower in Wales than it is in England?—No, I think not.

857. I think you said you would be glad to see the qualification of jurors from rural districts rather raised?—I think that the qualification proposed by the Bill would be rather advantageous for the counties.

858. It would be raised from 12 *l.* to 30 *l.*, would it not?—Yes.

859. That would be a very considerable difference, would it not?—Yes.

860. Would that make much difference in the jury list, do you think?—I do not think it would make such a difference as to be prejudicial to the jury panel.

861. But it is of course desirable to keep as large a number on the jury lists as possible, consistently with having proper persons there?—Yes, certainly.

862. In order to obviate complaints?—Yes.

863. Would not 20 *l.* be a sufficient qualification in rural districts?—As a rule, we generally consider a man who occupies a farm of 20 *l.* a year is very little removed from an ordinary labourer; a farm of about 30 *l.* is about as low as you ought to go, I think.

864. But in populous parishes and villages, which approach to the character of towns, you would find in some parts of Wales a good number of householders at 20 *l.* a year, would you not?—We have not many such villages in our county; there are two or three, and my observations would not apply to those, but simply to tenant farmers. No doubt there are respectable householders of 20 *l.* a year in such villages who would make good jurors.

865. You have said that you would rather have 300 *l.* a year than 200 *l.* a year for the rating qualification of a special juryman?—Yes.

866. Do you not think that a good many persons are qualified to serve as jurors under the head of merchants, who are rated much below 300 *l.* a year?—Yes.

867. Do you think it desirable to continue that qualification of merchants amongst the other qualifications for special jurymen?—Yes; but for this purpose I should like to see the word "merchant" defined or qualified if possible; at present it may include a person who is a mere beer merchant in a very small way of business.

868. The sheriff or the under-sheriff would not be able to exclude a person from the special jury list if he was returned to him as a merchant, would he?—No.

869. Then the mere addition of the rating to the qualification of merchant, would not be sufficient to enable the under-sheriff to strike off persons, whom from their rating he might think disqualified, if they appeared as merchants on the list?—Certainly not.

870. Therefore it would be desirable in some way to define the word merchant, you think?—I think so.

871. Mr. *Cross.*] Is there any difficulty found in Wales, owing to the jurors only speaking the Welsh language?—In our county, Pembrokeshire, there is one part of the county which is principally Welsh, and as a rule jurors are not summoned from there unless they can understand English.

872. But there are a great many jurors who cannot speak English, are there not?—A great number.

873. So that the compilation of an alphabetical list of jurors, from the beginning to the end, would certainly not answer in Wales?—No; but that difficulty is becoming less every year.

874. As education goes on the difficulty becomes less?—Yes.

875. How high in the social scale does that ignorance of English exist in Pembrokeshire?—There are many farmers from the upper district

Mr. *W. John.* 16 June 1870.

of the county, occupying considerable farms, who cannot converse very well in English.

876. Would you say that any of your 300 *l.* a year people come within that category?—No; perhaps people of 30 *l.* or 40 *l.* or 50 *l.* a year.

877. In the towns they all speak English, I presume?—Yes; as a rule they all speak English in the towns.

878. *Chairman.*] Have you anything further to state to the Committee?—No.

Major Robert Devereux Harrison, called in; and Examined.

Major *Harrison.*

879. Mr. *Hanbury-Tracy.*] You are a Solicitor in Montgomeryshire, are you not?—Yes.

880. And under sheriff?—Yes.

881. Have you had very considerable experience for 30 years as solicitor in that county?—Yes.

882. Have you looked over the Bill now before the Committee?—Yes.

883. Have you thought how it would apply to Wales, especially with regard to the qualification?—I have.

884. Will you be kind enough to give the Committee your opinion upon the Bill?—I think it would work very well, from what I have seen of it; there may be some little alterations with regard to the qualification necessary.

885. Is it, in your opinion, advisable that the special exemption which has been hitherto enjoyed by Wales should continue or should cease to exist?—I think it should cease to exist.

886. Will you be kind enough to state your views with regard to the qualification; that is to say, what qualification you think ought to be placed in Clause No. 6?—With regard to the qualification of common jurors, I am not quite certain with regard to the rating in towns, and I am inclined to think that there should be a distinction between the town and the country. At present I see it is 30 *l.* and 50 *l.* I think 30 *l.* may exclude, in towns, more especially small towns, many very well qualified men.

887. In North Wales there are very few towns, if any, with populations of 20,000, are there?—Not one that I am aware of.

888. Therefore, you are dealing with the 30 *l.* qualification?—Yes.

889. You think that the qualification in towns should be lower than in counties, do you?—Yes.

890. You think that a farmer with a farm of 30 *l.* a year is a very different man from a householder of 30 *l.* a year in a town?—Yes, decidedly.

891. What should be the qualification, in your opinion, in towns?—If you place in towns the qualification at 20 *l.* and in the county at 30 *l.* it would do very well, I think.

892. With regard to superior jurors, would you retain the present titular qualification of merchants, esquires, and bankers?—I would.

893. How would you define a merchant?—There is certainly a great difficulty about that. I have seen, over and over again, as clerk to the justices, at several divisions of petty sessions, parties admitted there who ought never to come in under the term of merchant. I think the list should be revised before its publication, because it cannot be well done in the hurry of the petty sessions.

894. To whom would you propose to give power to revise that list?—I hardly know whom you should say; but I should say some man connected with the district, and with the inhabitants of it, to a great extent,

895. Would the clerk to the justices be a good person for that purpose?—I think he would.

896. Or would you recommend any other person?—I think the clerk to the justices would be a far better person than the board of guardians. If the overseer was to bring the list to the clerk of the justices, or the registrar of the county court, who also knows the people, and he took with him the overseers' poor-rate book, then with the clerk he could go carefully through the list, and see that all parties were inserted who were properly rated; or, if any were omitted, they should be inserted, and they should alter any wrong descriptions. He would then be, to a great extent, responsible for it. They should do that before the list is put on the church door. From my own experience, which is more than 30 years, as justices' clerk, I can say that I have, during that time, never seen half-a-dozen persons who have attended to object to the revised list; and, in the hurry of the meeting, the overseers' list is passed almost as it comes, with names inserted in the list that ought not to be there.

897. What qualification would you have for special juries in towns?—I would retain the titular qualification.

898. By the Bill it is 100 *l.* in towns of 20,000 people, and 60 *l.* elsewhere?—I think 60 *l.* elsewhere is too high, because you would exclude very many men who would be qualified. For instance, retired tradesmen who might not be rated at 60 *l.*, which in small towns is a large rating.

899. What figure would you say?—I think 50 *l.* perhaps would do very well.

900. If you will read the clause of the Bill now before the Committee, you will observe it says, "or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than two hundred pounds"; what amount do you think that ought to be?—I should say the occupier of premises of the value of 100 *l.*

901. Further on you will see that the qualification for farmers is 500 *l.*; how would that affect Wales, in your opinion?—That would be a large sum in Wales. I have a doubt whether you should say more than 300 *l.*, but if the titular qualification is retained, you might safely say 250 *l.*

902. With regard to the 500 *l.* qualification, perhaps you hardly know of 20 or 30 farmers of that standing in Montgomeryshire or North Wales?—Just so.

903. What notice do you think ought to be given to jurors?—I think that the notice is quite sufficient now. The only difficulty I see at present is with regard to jurors summoned for the county court. I am not certain whether it is under a rule of the court or under an Act of Parliament, but it is three days' or two days' notice. You could hardly give six days' notice, because if payment was made by the defendant into court, it prevents further expenses five days before

before the court is held. I speak as registrar of the county court.

904. That would place a plaintiff requiring a juror in a very awkward position?—Yes, it is rarely until the last day that notice is given.

905. Do you think that six days' notice ought to be given?—Yes, I think that is fair.

906. If an alteration is made it ought to be made in the five days, I suppose?—Yes.

907. Have you looked at the schedule of exemptions?—Yes.

908. Do you think those persons mentioned in the schedule should be exempted, or are there any others that should be exempted; I mean from serving on juries generally?—I see no reason why the commissioners of property and income tax should be exempted; in fact I think there is an objection to that because you are precluded from having on the jury the very best men in the county, who claim exemption as commissioners of income tax.

909. With regard to the exemption for age, do you think that 65 years of age is too high an age to fix?—No, I certainly do not think so; I think if a man is hale and hearty, that he is perhaps a better man at 65, than he is at 60 for jury purposes.

910. Do you approve of the remuneration clause, a guinea for special jurors, and half a guinea for a common jurors?—Yes, I approve of that. At present it is half a guinea per day. But I do not see how that is to be divided amongst the different parties to the cause. At present if a special jury is summoned, whichever party strikes the jury deposits with the under sheriff 12 guineas, which is paid at once when the verdict is delivered, in fact they never leave the box until they get it.

911. You would have it paid by the cause instead of by the day, would you?—Yes, I think so; if it is to be paid by the parties to the cause; I do not see how it is to be apportioned otherwise.

912. Do you think that jurors in criminal cases ought to be paid?—I think it would be well to pay them; it is often a great hardship when parties come from a considerable distance, and remain, perhaps, for two or three days, and receive no remuneration for their trouble.

913. It is your opinion, is it not, that if this remuneration, which the Bill proposes, is given, you would have no complaints from jurors for being summoned?—I think not.

914. With the qualifications of 20 *l.* and 30 *l.* for common jurors, and 50 *l.*, 100 *l.*, and 200 *l.* for special jurors, that would be very fair, you think?—I have very rarely had any complaint by jurors. Some man has said, perhaps, "I have been summoned rather quickly," but that is all.

915. Do you think that service on the grand jury ought to exempt a man from serving on the special or common jury?—I think not. Certainly not. Where would you find the special jury, if you did that?

916. Wales is a thinly-populated district, and you think that that would not leave a sufficient number of men for jurors?—Yes; just so. The grand jury is generally selected by the sheriff from his personal friends or the leading men in the county, without respect to qualification.

917. Are there any other points in the Bill with respect to which you have to make any statements to the Committee?—I think it would be well if the justices of the peace were exempted from serving on juries, because they may be called upon to serve in cases where they had been the committing magistrates.

918. Mr. *Bright.*] If the qualification was raised as in the Bill, it would increase the liability of each individual to serve on juries. I mean that a man would be liable to be called upon to serve more frequently, of course, because the number would be less?—The number would be less, it is true, but as it works at present the sheriff cannot take the book indiscriminately.

919. Practically he does not exhaust the list, I suppose?—Take Montgomeryshire. The spring assizes are held at Welshpool, and the summer assizes at Newtown. The sheriff invariably summons on the jury, at the spring assizes, parties from the lower part of the county, and in the summer assizes he summons those from the upper part of the county, and, generally speaking, they are people of whom he has some knowledge. It does not do to take the men indiscriminately. If he were to take from the upper portions of the county men rated at 12 *l.* a year, he might have little better than labouring men.

920. In fact, an alphabetical rota, as proposed in the Bill, would not do in Wales?—Certainly not.

921. Therefore a discretion must be given in that matter to the summoning officer?—Certainly. I have another objection to summoning them in rotation, and particularly to summoning them alphabetically. We have many joint tenancies, and if you took your jury on the alphabetical system you might take a father and his sons at the same time, and leave the farm or place without anyone to attend to it.

922. With a raised qualification, supposing practically the summoning officer was bound to summon jurymen, with judicious exceptions, going through the whole of the list, how long would it take to exhaust that list?—I cannot say.

923. At present, how long does it take before a man is summoned again?—Generally speaking, I have never summoned a man for two years after the assizes or sessions; the sheriff invariably makes a mark opposite each name where a man has served at the assizes or sessions, and he is not summoned again for two years.

924. That would be still less, would it not, if the qualification was raised, because your number would be less if you exercised the same discretion?—Just so; but there are many persons now on the register who have not served, perhaps, for 20 years, if they ever did.

925. That is probably because for wise reasons they have not been summoned?—Yes.

926. Is it usual that many actions are tried by a jury in the county court?—No, very few. Besides there is not the complaint made if they are summoned again and again, because they are persons living within the district. The officer of the court summonses disinterested parties who he knows to be respectable, and it is generally parties residing in the town.

927. They require two days' notice before that, do they not?—Yes, it is two or three day's notice, I think it is two days.

928. Mr. *Dickinson.*] Is that a sufficient notice, in your opinion?—It is quite sufficient, I think, because the men who serve on county court juries come from the immediate neighbourhood.

929. Mr. *Young.*] If you paid jurors by the cause would not a man have to attend sometimes and

Major *Harrison*

16 June 1870.

and get nothing for his trouble?—That is so now.

930. But would it not be an improvement if a man could be certain, if summoned, that he would get something for attending?—Yes, I think so.

931. Your difficulty is with regard to the manipulation of the principle?—Yes, it is.

932. But on the abstract principle, you think it would be better?—Yes, certainly. In fact, in strictness, now, I think the sheriff would be justified in marking off those who are called upon to serve. But invariably after the jury is called into the box, the list is called over, and all jurors who answer are marked as attending.

933. But that would be no use for the juryman if there was no fee for him, would it?—Yes, it would, because those men are not summoned again.

934. But that does not refer to the immediate loss to a man for having come, and obtained nothing for his attendance, does it?—No; except that he might without that list being marked be summoned again to the next assizes or sessions.

935. Mr. *Egerton.*] How do you summon your grand juries at the quarter sessions?—They are summoned by the sheriff; a list is made out of the special jurors, and a list of the common jurors, and the sheriff generally selects for the special jury men of a higher grade in society, such as the leading farmers or tradesmen.

936. Have you ever known any favour shown by the summoning officer by placing men on the grand jury in order that they may escape the longer service of the common jury?—Never; in fact he could not do that, because now they are summoned by posting the notice from the sheriff; formerly the list was made out, and delivered under the seal of the under sheriff to the summoning officer, and he returned that list again to the sheriff, so that they were placed by the sheriff.

937. The discretion with regard to summoning jurors rests with the sheriff, rather than with the summoning officer?—Yes, it rests with the under sheriff and not with the summoning officer.

938. Mr. *Dalrymple.*] From what town or borough have you drawn your view with regard to the qualification?—I was speaking of towns generally in Montgomeryshire.

939. Then, from your knowledge of those towns do you consider that you will have any considerable number of houses there rated at 50 *l.* a year?—Do you mean for special jurors or common jurors?

940. I mean for common jurors?—No, we have not, not very many; of course there would be some.

941. From your knowledge of the boroughs and cities in that county, should you not say that a house rated at 50 *l.* a year would be a very substantial house?—It would.

942. Now, with regard to the payment of 10 *s.* to common jurors; supposing they were paid as jurors are now paid, namely, by the cause, and that they were in fact paid by the clerk of the peace, and afterwards repaid by the Treasury, what is your view with regard to that payment; should you consider under those circumstances that 10 *s.* a day would be too much?—No, I should not.

943. Then the amount is not too much in your opinion?—Just so.

944. It is only a question of how it is to be apportioned?—Just so.

945. Mr. *Floyer.*] Have you had complaints made about the overseers not returning the lists in your county?—Yes.

946. Do you find any trouble or expense in dealing with them on that account?—We sometimes adjourn to the petty sessions, and we have had some cases where the overseers have been summoned for neglect of duty.

947. Then you have to prove the issue of the precept by the clerk of the peace, I suppose?—No; that is not where any question has been raised with regard to that, but there has been an omission on their part, though that is very rare.

948. Before an overseer is penally dealt with you must prove that the precept had been issued, must you not?—Yes.

949. You would have to send to the clerk of the peace for that purpose, would you not?—Yes, we may do so.

950. Would it be a more convenient mode if the precept were issued by the clerk of the petty sessions, in which case the evidence of the issue of the precept would be immediately forthcoming?—Yes.

951. I suppose any difficulty would be got over in that way?—It would.

952. Do you find that the grand jury are well attended in Montgomeryshire?—Very well indeed.

953. There is generally a full number of grand jurors, is there?—Yes.

954. Then, if any grand jurymen were called to serve on special juries they might serve without interfering with the necessary discharge of the duties of grand jurymen, might they not?—They do so now.

955. But does not it ever happen that in consequence of several grand jurors being called away to serve on the special jury, that the business of the grand jury has been interfered with?—I never knew a case of that kind.

956. If the number of persons serving on the grand jury were not a pretty full number, it might happen that by taking some away the business might be stopped, might it not?—No; and for this reason: we have only one judge of assize, and of course the civil business is taken after the criminal business, and the grand jury are then discharged.

957. But that would not be the case where you had two courts sitting at one time, would it?—No; but we have only one judge on circuit in Wales.

958. *Chairman.*] You think that there is no reason why the qualification in Wales should not be the same as in England?—I think it should be the same.

959. But you object to its being raised, do you?—No; I think it should be raised; I think that the present qualification is much too low.

960. But I am speaking of 20 *l.* in towns in England; would that be a sufficient qualification?—Yes, 20 *l.* in towns; but 30 *l.* in counties.

961. Mr. *Floyer.*] How would you define towns in that case?—I hardly know.

962. Mr. *Cross.*] But you do not think, if the qualification is to be uniform in England and Wales, that the English qualification would bear raising?—No, I should think that 30 *l.* would be quite high enough.

963. Mr. *Dalrymple.*] Would you take this as the definition of a town: where there is an assize a general

a general gaol delivery, a court of quarter sessions and petty sessions?—No, I would not take it in that way; we should then shut out five or six towns in Montgomeryshire; where assizes are held in towns the qualification may do; that is to say, if it is a small town.

964. Mr. *Floyer.*] You would include all towns of 5,000 inhabitants perhaps?—Yes, and perhaps towns of 3,000.

965. Mr. *Cross.*] Are your small towns managed by towns Commissioners?—No.

966. Have they no local authority at all?—One or two of them have corporations.

967. Have most of them adopted the Local Government Act?—I think not the small ones.

Major *Harrison.*

16 June 187c.

968. Mr. *Hanbury-Tracy.*] All those towns which have a population of above 5,000, have adopted the Local Government Act, have they not?—Yes, Welshpool and Newtown have; I do not think there is one at Llanidloes or Llanfyllin; Montgomery has a corporation, Llanfyllin has a corporation, and Llanidloes has a corporation; but Machynlleth, I think, has not.

969. *Chairman.*] Is there anything further that you wish to state to the Committee?—No.

Mr. JOHN FRANCIS BURTON, called in; and Examined.

970. Mr. *Welby.*] HAVE you been for some years acting Under Sheriff for Lincolnshire?—From 1861 to 1869 I was Under Sheriff for Lincolnshire.

Mr. *J. F. Burton.*

971. Although you have ceased to act in that capacity, in consequence of being appointed deputy clerk of the peace; I believe that the whole of the deputy clerk of the peace's business, and the under sheriff's business, is still carried on in your office?—Yes; by myself and partner; the deputy clerkship of the peace being however confined to the division of Lindsey only.

972. Lincolnshire is, I believe, a county comprising about 2,000,000 acres almost purely agricultural?—Yes.

973. Can you give the Committee the number of inhabitants in Lincolnshire, exclusive of those towns which have separate commissions of the peace, and which would not therefore contribute to the jury list?—Exclusive of the city of Lincoln and the boroughs of Grantham and Stamford, which do not contribute their quota, the population is 379,479.

974. What is the number of common jurors in Lincolnshire?—The number of common jurors this year is 10,782.

975. What is the number of special jurors for the year 1870?—Only 150.

976. Does not that strike you as being a very insufficient proportion?—Yes; a very small proportion indeed.

977. Of those 10,782 common jurors, how many are there whose qualifications arise from assessment?—5,834.

978. I suppose the remainder are freeholders or copyholders?—Yes.

979. What is the number of common jurors summoned during the year?—At the Lincoln assizes it is about 180. There are also three divisions of the county, in which quarter sessions are held, viz., Lindsey for which about 384 jurors are required, Kesteven about 416, and Holland about 416; making a total of about 1,396 annually.

980. To that total should any addition be made on account of the county court jurors?—Yes; the county court jurors are summoned from the same list in some measure. The county courts in Lincolnshire take, perhaps, about 1,200 jurors annually. There are 180 county courts held annually in Lincolnshire, and probably about 1,200 jurors attend those courts on summons.

981. You have read the Bill before the Committee, I presume?—Yes.

982. Would those county court jurors, and the sheriff's court jurors, and so on, be entitled to the benefit of the rotation clause in section 24 of the Bill?—No; and it is not desirable that they should.

983. Why not?—Because they are already entitled to exemptions. For instance, the 9 & 10 Vict. c. 95, s. 72, provides that no county court juror "shall be summoned or compelled to serve on such jury more than twice within one year, or who shall have been summoned and shall have attended upon any jury at the assizes, or any court of Nisi Prius, or at the Central Criminal Court for the same county, within six calendar months"; so that he is already entitled to exemption. Moreover, they are always summoned in Lincolnshire for the county courts from the parishes adjoining, so that very little trouble or expense is entailed. Besides, the number summoned is very small. Ten men are summoned, and five of them are dispensed with, the other five serving.

984. Supposing the jurors upon the present list were summoned in rotation, how long would it take to get through the whole number at the assizes and sessions only?—It would take about 7½ years.

985. But how long would it take if it were done in accordance with the provisions of the Bill now before the Committee?—According to the calculations I have made, it would take about 5½ years.

986. Is there any town in Lincolnshire besides Lincoln, which has above 20,000 inhabitants?—There was not one town, when the last census was taken, with a population of over 20,000; the next census will probably only show one, and that is Grimsby; Grimsby, in the year 1832, had 4,000 inhabitants; in 1852, there were over 8,000, and now the population is computed at 24,000.

987. Have you estimated what the effect of the 6th section of the Bill, now before the Committee, would be on the list of common jurors?—I have, and I find it would reduce the number on the present list, who are qualified by assessment, by about one-half; so that the 5,834 who are now qualified by assessment, would be reduced to 2,900 or about 3,000 in round numbers.

988. Have you made inquiries on the subject which enables you to state that with tolerable confidence?—Yes.

989. I believe that you have a schedule of the principal towns?—Yes, I have a schedule of 31 principal towns and parishes in the county of Lincoln, showing the number of inhabitants by the last census, the number of jurors on the book for the present year, and the number out of those who are qualified under the present assessment clause; also

Mr. *J. F. Burton.* 16 June 1870.

also I have got from the poor rate assessment books of each parish, the number of those persons who are assessed at something between 20 *l.* and 30 *l.*, and who would therefore be excluded under the provisions of this Bill.

990. Without going into each case, will you be kind enough to tell the Committee what is the general result derived from the returns from the 27 large towns which have made a return?—It shows the total population of those towns to be 87,122; the number of jurors contributed by those towns for the present year is 2,609; the number (being part of the 2,609) who are qualified by an assessment of 20 *l.* would be 1,244, and the probable number of those 1,244 who would be struck off if the assessment was raised would be 624.

991. Making nearly one-half?—Yes.

992. Can you confirm that calculation by any other return?—Yes; I can confirm it by a return from the two principal unions of the county; the Lincoln Union and the Boston Union. The population of the Lincoln Union is 26,075; that gives a total number of jurors for that union of 670; the number of common jurors who are qualified by assessment is 427, the number of ratepayers assessed at 20 *l.* and under 30 *l.*, is 216, so that the number of 427 would be reduced by 216.

993. That is coming to almost the same result?—Yes. Then with regard to Boston, there are 37,921 inhabitants, 12,112 jurors, 566 qualified by assessment, and 239 ratepayers assessed at 20 *l.* and under 30 *l.*

994. That also leads to about the same result, does it not?—Yes; and the several calculations show that the number of those qualified by assessment would be reduced by about one-half.

995. With regard to the special jurors what would be the result?—The two unions would increase our small special jury list by aboot 142.

996. That is to say those two unions of Lincoln and Boston alone?—Yes.

997. Will you be kind enough to put in that return?—Yes. (*The same was handed in,* vide *Appendix.*)

998. Do you think that there is the same reason for raising the qualification now as there was a few years ago?—No; there can be no doubt that the intelligence of jurors in the county of Lincoln at the present, is far in advance of what it was a few years ago, and hence there is not the same necessity now for raising the qualification as there was formerly.

999. Is it your opinion that the qualification might advantageously be raised according to the 6th section of the Bill?—Yes, I think the qualification might be raised with great advantage, provided all common jurors are paid for loss of time, and provided an exception be made in favour of market towns.

1000. Would you recommend that in market towns the standard should remain at the same figure as it is at present?—I would; I think it is very desirable.

1001. Will you be kind enough to state your reasons for thinking so?—The jury list for Lincolnshire is not a very large one, and the calculations show that this Bill would reduce the qualifications by assessment, to about half the present number. That reduction, so far as it is applicable to small farmers, is very desirable indeed; but in a county like Lincolnshire it would materially reduce the number of the most intelligent class of jurors, namely, the tradesmen and others living in the small market towns. For example, a farmer occupying not more than 15 acres of land would be qualified; whilst a shrewd tradesman carrying on a good business in a market town would be disqualified. The latter class of men in market towns generally receive a fair education. They regularly read the newspapers of the day, and so become acquainted with the world. Their occupation tends to sharpen their wits, and those are the men who, as a rule, make the most sensible jurors that we have at our country assizes. Then with regard to a small occupier of about 15 acres of land, he very often is a man who has lived all his time upon his farm, having, probably, started in life as a labourer, and frequently he can neither read nor write, and he rarely sees a newspaper even if he be able or have time to read it. He scarcely ever attends the neighbouring market, except to buy or sell, and he is ignorant of almost everything except that which comes within his own limited sphere of action.

1002. You have said that you desired the jurors should be paid, I believe?—Yes, that is most important.

1003. Is the remuneration proposed in the 31st section of the Bill satisfactory, do you think?—With regard to Lincolnshire the remuneration proposed in the 31st section of the Bill (I know from conversations I have had with jurors) would be satisfactory.

1004. Would the proposed remuneration operate fairly in all cases do you think, as the Bill is now drawn?—Not as the Bill is now drawn. It is provided that special jurors shall be paid a guinea a day for their "attendance," whereas a common juror would only be entitled to be paid when he was actually sworn in the cause. The provision in the Bill is, "The remuneration of a juror "when trying" common jury cases, shall be at the rate of 10 *s.* for every day of his attendance." Therefore, if he did not happen to be sworn he would get nothing. One common juror might receive 50 *s.* for five days' attendance, and another who had been in attendance for the same period, but not sworn, would get nothing. Then further the question arises whether the words "Common jury cases" in the same section, apply to the trials of criminal cases; if not, a further hardship arises, as a juror sworn in the *nisi prius* court would be entitled to remuneration, whilst a juror taken from the same panel, and attending the same assizes, and for the same length of time, would obtain nothing in consequence of having been called on in the criminal court. Then again, if the words do apply there is no fund from which to pay the juror who is sworn in a criminal prosecution.

1005. Do you think it would be desirable that they should be paid from the same fund from which the other expenses of criminal prosecutions are paid?—I do; it would be very hard to tax the parties to the cause with the serious payment which would be involved in the attendance of 50 common jurors for five days.

1006. Now, turning your attention to the question of special jurors, have you any remark to make with respect to the 7th section of the Bill, particularly with regard to the titular qualification?—Yes, I think it desirable that the word "legally" should be omitted. I would use the words adopted in the old Act, "All persons described in the jurors' books as esquires."

1007. Have you ever known an instance in which

which the term merchant has been abused?—Yes; being clerk to the magistrates for one division of the county a few years ago, I found a man described as a merchant. That came to my knowledge in consequence of having seen him on a special jury; he served as a special juryman in consequence of being described as a merchant, whereas he was a manufacturer of sheep-trays. I found, on inquiry, that he desired the overseer to add to his name the word "merchant," having the object in view of relief from service as a common juror, and to be placed on the special jury list. That is the most serious instance of the kind that I recollect, and I have been clerk to the magistrates over 20 years.

1008. Do you think that the sum of 500 *l.* is a proper value to fix for farms?—I think it is; I think it is very desirable to have that standard, because special jurors should be men of good position and education; it is very desirable to keep it as high as possible; at the same time our list is small, and it should be increased.

1009. Going on to clause 13 of the Bill, have you any remarks to make on that clause?—Yes; I think that the provisions of the 13th section are unnecessary and very objectionable; they would involve very much trouble. In Lindsey there are 17 wapentakes or hundreds, and those 17 wapentakes comprise 471 parishes. The number of jurors in each parish varies from *nil* to 268. A very large proportion averages only six or eight; consequently the payment would, in most cases, be extremely small, and the machinery would involve considerable trouble. In Lindsey alone a correspondence with 471 overseers would arise; moreover, the payment is quite unnecessary, for these reasons. In small parishes, where the overseer's duties are light, the office is undertaken in rotation by the principal occupiers or ratepayers in the parish, so that each bears his burden in turn. In all large parishes, where the duties are heavy, paid officers are usually appointed; very frequently it is the parish schoolmaster, who receives a salary. The 58 Geo. 3, c. 12, expressly authorises the appointment and payment of a deputy or assistant overseer, and this is generally acted upon in towns and large parishes with a view to avoid difficulties of payment, which might otherwise arise. I find where there is no appointment of an assistant overseer under that Act, the overseer is allowed something in practice, for attending at the petty sessions to get his rate signed from time to time, and he receives an allowance from the revising barrister, payable out of poor rate, on the production of the necessary certificate; and there are various other items in different parishes which he receives in the shape of perquisites, and which are paid out of the poor rates of the parish, or in some cases out of the highway rate; but where it is out of the poor rate, that is the very fund which contributes its quota to the county rate.

1010. Suppose it was considered advisable that some remuneration should be provided, can you suggest any way of doing it?—The whole of that cumbrous machinery could be avoided; it could easily be done by giving the magistrates in petty sessions the power to assess the annual amount to be paid to each overseer when the lists are revised before them. The payment would then come out of the poor rate, and would fall on the proper fund liable to contribute, and all this machinery would be avoided, and unnecessary expenses also.

1011. Do you think that the 16th clause of the Bill, which imposes a penalty on the overseers for negligence, requires attention?—I would suggest that the word "wilfully" should be inserted. I would leave the words "without reasonable excuse." I think they would leave a loophole for inadvertent mistakes, but I would add the word "wilfully" before the word "insert."

1012. Do you think there is any necessity for the 17th clause, or any provision analogous to it for providing for an intermediate examination of the list?—I think that an examination by the guardians of the parish could do no harm, and would tend to do good by calling the attention of the justices, when the list came before them for revision, to any errors which might exist. I think it is a desirable clause.

1013. Do you think, as a matter of fact, that the justices do now exercise a practical revision?—I am sure they do in my division. Some years ago the lists were signed, allowed, and passed, without much, if any, examination, but it is not so now. They are carefully looked at by the chairman. If the clerk does his duty, they should be looked at by him previously. In my division every list is carefully looked over with a view to protect the special jurors' lists, mistakes having arisen on several occasions.

1014. You are clerk to the justices in that petty sessional division which you allude to, are you not?—Yes.

1015. Take the 19th clause, have you any remark to make on that?—That clause would involve a great deal of trouble and correspondence; so much so that if it became law, the sheriff should be allowed in his bill of cravings some compensation for the expense that it would entail on him. In Lindsey, there are 471 parishes; in Kesteven there are 249 parishes, and in the division of Holland there are 44 parishes, making together a total of 764 parishes; so that the clause would involve a correspondence by the under sheriff with the overseers of all those 764 parishes four times a year; that is to say, assuming there was an alteration in each parish, when the returns were made. Such would not always be the case, but still there would be a large proportion of alterations. Moreover, the plan would not produce effective results for these reasons: the sessions this year are held on the 6th of January, the 7th of April, the 30th of June, and the 19th of October. Now, if the returns were made on the 1st of April, they would be of no avail for the April sessions, but only for subsequent sessions; the assizes are held about the 10th of March, and the 20th of July, and if there be a winter assize, it is held in November or December, so that if the returns were made within the time prescribed in the Bill the list would not be available for those assizes; then, again, most of the changes in the assessment qualification would take place after the 6th of April, therefore the return on the 1st of April would not produce the same effective results as one would produce, if made after the 6th of April, when the tenants had changed the occupation of their farms. But I think those returns are unnecessary because in practice, in Lincolnshire, the under sheriff sends the lists of jurors to the various officers in time, so that they may supply any deficiencies arising from death or

Mr. *J. F. Burton.*

16 June 1870.

removal. The time specified by this Bill being six days' notice, the under sheriff will prepare his panels, and send out a list of the jurors, who are to be summoned by the various bailiffs at least 18 days before the assizes; so that he would have time to receive information of deaths or removals in his district, and then any error can be set right; that practice has always been adopted in Lincolnshire, and has answered very well.

1016. You think that that clause 19 of the Bill might be omitted?—I think it would give trouble, and that it would not produce better results, or so good results as the present practice.

1017. Will you now be kind enough to look at the 24th clause of the Bill, with regard to summoning jurors, and inform the Committee what you think would be the effect of that clause?—Practically, I think it would create serious difficulties and objections. The jurors' books are arranged by the clerk of the peace in alphabetical order. Upon the receipt of the lists from the various clerks to the magistrates, they are arranged alphabetically, in hundreds or wapentakes, the parishes in each hundred being also arranged alphabetically, and they are thus transmitted to the under sheriff. The effect of this rotation clause, if strictly acted upon, would be to provide all the jurors at one particular sessions or assize out of about two or three parishes. Therefore it is obvious that in many cases serious difficulties might arise, leading to partiality in consequence of jurors being summoned from one particular spot. Practical difficulties would also arise if the rotation clause applied equally to the assize, as well as the sessions jurors. My opinion is that, under any circumstances, if that clause were adopted it would be desirable to treat each separately with reference to their rights of exemption. In practice in Lincolnshire the clerks of the peace take deputations from the high sheriff, for the purpose of enabling them (the clerks of the peace) to summon their own sessions jurors, and those sessions jurors are summoned under that deputation, or power of attorney. They rarely attend more than one day at a time, and they are usually taken from parishes near at hand, so that in practice no very great hardship arises by their being summoned to the sessions. From the very fact of the assize jurors being summoned by the under sheriff, and the sessions jurors being summoned under a power of attorney from the sheriff, mistakes would arise if the rotation clause applied to both the sessions and assize jurors for which the sheriff would be liable to a penalty of 40 *s.*

1018. Do you think that the present practice obviates those objections in any degree?—I think it does; at all events, it avoids summoning all the jurors from one particular parish; there are in Lincolnshire eight sheriffs' officers, and each officer has so many wapentakes or hundreds under his charge; for instance, the first officer having two wapentakes, receives a summons for six jurors, and they are taken from his wapentakes and from different parishes in his wapentakes; the 2nd has eight, the 3rd eight, another officer has 14, another 12, another 18, and another six, making a total of 72. All the lists are made out upon the same principle, so that the objections I have referred to with regard to summoning jurors from one particular parish, are obviated, and as far as possible at each assize the jurors who have been summoned are marked in the juror's book. The under sheriff always endeavours to avoid summoning the same juror more than once for a period of four years, and he never, except through inadvertency, summons a man for the second time for a period of two years.

1019. Do you think that special jurymen should be exempted from serving on common juries?—Certainly; by all means.

1020. Speaking generally of that class, do you think that the principle that the lists should be thoroughly exhausted before a man is to be called upon to serve again should be adopted?—I think it should be left as it is now, to the under sheriff and the summoning officer. The special jurors are ballotted for, and, with regard to common jurors, I believe that in every county (but certainly it is so in Lincolnshire) the under sheriff always gives an exemption for two years. A juror now is entitled to demand an exemption for two years under the Act of Parliament, if he takes the sheriff's certificate; but whether he does so or not, he is exempted for two years in practice, and if he takes a certificate then, in practice, he is exempted for four years. It is only through a mistake, which might arise in future, whether this Bill pass or not, that a man is summoned more than once in two years.

1021. If you exempt the special jurymen would you give them a rotation clause of their own?—Yes, that is very desirable indeed; they are now excluded from the rotation clause, but it is very desirable that the special jurors should be exempt from serving on a common jury, and should be entitled to the benefit of a rotation clause. From the difficulties that would arise with regard to common jurors, I think it would be far better to leave that in the hands of the under sheriff. There would be no objection to such a course if there were remuneration to the extent specified in this Bill.

1022. Do you think that the 26th clause of the Bill relating to the fining of special jurors is a desirable one?—Yes; but again the word "wilfully," I would suggest, should be inserted in the 6th clause of the 24th section with regard to the penalty upon the sheriff. If you were to insert the word "wilfully" before the words "make default," I think that would do.

1023. Now about the 26th clause referring to the fining of special jurors for non-attendance; what amendment would you suggest in that clause?—I see as the Bill stands it is imperative, and that there is no option about it, and I think it is questionable whether that might be left in the discretion of the Court. But if the fine be imposed in the way it stands here, then I think it might be desirable to say it should be paid under the usual process from the clerk of assize, and levied by the sheriff.

1024. Do you think that the 30th clause, as it stands, applies with sufficient clearness to quarter sessions?—I think it does apply, but a question might arise upon it, and it is very desirable that it should clearly be made applicable to the court of quarter sessions.

1025. Mr. *Cross.*] In the county of Lincolnshire, the farms are large as a rule, are they not?—Yes, there are many large occupations.

1026. Larger than in my own county, Lancashire, probably?—Yes.

1027. I presume that the jury list would be less reduced by raising the qualification in Lincolnshire than in most other counties?—I do not know

know what would be the effect in other counties, but I am certain, from those calculations which I have already given, that it would have the effect in Lincolnshire of reducing the present assessment qualification by one-half.

1028. But still it would be less in your case than in other counties, would it not?—I should say so.

1029. You have referred to the great number of freeholders and copyholders in your jury book?—Yes.

1030. Do you think that the freeholders, as a rule, are an inferior class to the assessment jurors?—No, I think not; and my observations with regard to the desirability of raising the assessment standard apply only to small farmers; I think the freeholder as a class in Lincolnshire, is a man of more intelligence than a small farmer who is barely qualified under the present assessment clause.

1031. Are there many men on your jury list who are never summoned at all?—There are some and probably many; but the object of the under sheriff is to summon all as far as he can in rotation.

1032. Do you summon beersellers and so on, on your juries?—We summon all whose names appear on the jury list having regard to the time of the year. In consequence of the complaints that have been made at the different assizes by the farmers who have attended at one time, and tradesmen who have attended at another, we now do it in a way which suits their own convenience. The farmers are summoned at the time when they can best leave their farms, and at another time of the year we summon the principal shopkeepers from the market towns and villages, when they can best leave their shops.

1033. That would be a very good reason for leaving a discretion with the sheriff, would it not?—Yes; it is very desirable that the discretion should be left with the sheriff.

1034. Do you, as a rule, exclude publicans and beersellers from the juries?—Yes; we do exclude publicans and beersellers, as a general rule.

1035. And practically they are never summoned at all?—Practically they are rarely summoned at all.

1036. There are a great number of men whom you always exclude on account of their unfitness, are there not?—If we happen to know of any such, then they would be excluded.

1037. But as a matter of fact, are there many men whom you always exclude on account of their unfitness?—No; not many from our own knowledge, because the county is large, and we have not the means of knowing whether that unfitness does attach or not.

1038. You have stated that you would pay criminal jurors out of the Consolidated Fund, I think?—Yes.

1039. That is to say, out of the same fund that the rest of the expenses are paid from?—Yes.

1040. Some of those expenses are borne by the county, are they not?—Yes.

1041. In what proportion are they so paid?—I cannot say what the proportion is; the expenses are paid by the Treasurer of the county in the first instance, and he afterwards receives a certain proportion, but what it is I cannot now say.

1042. We were not told by previous witnesses whether the whole of the expenses were paid by the Treasury, or whether the county rate does not provide a certain proportion, do you know how it is?—The Treasury have lately issued rules under which certain sums are excluded from the allowance made by the Treasury to the different counties.

1043. But the whole of those payments to jurors you would propose should come out of the Consolidated Fund?—Yes; I think it is very desirable.

1044. Mr. *Dickinson.*] Would you recommend any alteration with regard to specifying the amount of qualification in the jurors' lists?—No; there is no necessity for any alteration there, because that is an assessment qualification, and persons are not on the list at all unless they have that qualification.

1045. But would it be desirable, do you think, to specify the amount of the qualification?—No; I think it would simply entail unnecessary trouble without beneficial results.

1046. Then how are you to make out the special lists, when your book does not show the special jurors?—On the receipt of the jurors' book by the under sheriff from the clerk of the peace, it is the under sheriff's duty immediately to take out the names from that book of all that bear the title of esquire, merchant, or persons of a higher degree, and write them in the book, and that book becomes the special jurors' list. In fact, that list is so prepared.

1047. Mr. *Bright.*] With regard to the 17th clause, I did not understand you to give a distinct recommendation with regard to the revision of the list by any person before it came before the petty sessions?—I see it is simply an examination, and not a revision; I think that an examination would be desirable.

1048. Would you have that done by the clerks of the justices?—No; I think I have stated that it was the duty of the clerk of the justices to call the attention of the magistrates to the list.

1049. Would you propose to have a clause to this effect, that the clerk to the justices should examine the list before it was referred to the justices?—I think that the guardians of a parish would be proper parties to look over the lists in order to specify any errors or omissions, because the clerk to the magistrates has not such a thorough knowledge of all the occupiers in each parish as the guardians would have, and therefore I think they are very desirable parties to overlook the lists on that account.

1050. Mr. *Young.*] Do you advocate that the payment of the jurors should be made out of the Consolidated Fund?—I think that the parties to a cause, when a cause is entered for trial, should not be called upon to pay, under any circumstances, more than a specified sum.

1051. That is provided for in the Bill now before the Committee, is it not?—No, I think not. At present I apprehend that suitors would be liable to provide enough for the payment of all the jurors, which would be a fearful tax on the suitors, because they have already heavy fees to pay. Assuming that there were 50 jurors summoned for an assize, and they were each paid 10*s.* a day, and they remained there four days, that would be 200*l.*; and if one-half of that sum was paid out of the Consolidated Fund, and the other half by the suitors, that would attach to them very heavy fees indeed, which I consider would be a hardship. I think they should only be called upon to pay a certain specified sum on entering a cause; say two or three guineas.

1052. I understand

Mr. *J. F. Burton.*

16 June 1870.

1052. I understand the Bill to mean something like that; that is to say, that there should be rules made with regard to how much should be paid on setting down a cause or at some other time, and that that should form a fund out of which the civil jurors should be paid. But do you think that in any case it would be judicious that the Consolidated Fund should be called upon to pay for the trial of civil issues?—You see there are two courts probably sitting at the same time, and the same jurors are liable to be called upon to serve in each court; and the suitors could be called upon to pay a proportion of the cost of remuneration for the jurors. With respect to the question of amount, I am not prepared to say what each party to a cause should pay; but I think he should not be taxed, as the Bill seems to me to provide for the payment of all the jurors who attend. At the same time, I think he might fairly be called upon to pay those jurors who are engaged in trying causes, but the effect would be to leave the other jurors who were not sworn without any payment at all. But if the payment was confined to the parties trying a cause, I see no objection to throwing that payment on the suitors.

1053. Mr. *Egerton.*] Do you think that the nature of the business of each person should be strictly defined on the jurors' list, and that the description should never be covered by the vague word "merchant"?—I think that would be desirable.

1054. The Committee have heard that in Lancashire it is commonly done so; is that the case in Lincolnshire?—I think the word "merchant" is used generally.

1055. Do you not think it would be desirable that certain people engaged in certain trades, like that of rag merchants, or marine store dealers, should be excepted from the special jury list?—Yes.

1056. And that the word "merchant" should be discontinued as too vague a term?—That might create a difficulty, whereby many people might be excluded; but I think I would rather use the word "merchant," and except certain trades. In Lincolnshire, we have great difficulties, in consequence of the special jury list being so small, and I think it is very desirable it should be increased.

1057. Do you not think, therefore, that there should be some special qualification for special or grand jurors fixed by law independently of the other titular qualification?—Yes.

1058. That would get over the difficulty in Lincolnshire, would it not?—Yes.

1059. You might fix 500 *l.* or more a year, or some other qualification?—Yes. I think the qualifications in Section 7 are desirable, and I would not reduce them.

1060. Are you in favour of maintaining grand jurors at quarter sessions?—Yes, I think it is very desirable to do so.

1061. Mr. *Dalrymple.*] I think you have stated that the farms in Lincolnshire are large?—Yes.

1062. And they are highly rented too, are they not?—Yes; land is very valuable in some parts of Lincolnshire.

1063. Have you any knowledge of the farms just over the border in the Norfolk district?—None whatever.

1064. Mr. *Floyer.*] How many courts of quarter sessions have you in Lincolnshire?—We have three divisions of the county, viz., Lindsey, Kesteven, and Holland. In Lindsey there is an original sessions held at Kirton, and then an adjourned sessions at Spilsby or Louth, and the same takes place in Kesteven and Holland, so that there are eight courts of quarter sessions held in each division, making, in fact, 24 courts of quarter sessions held in the year; that is to say, sessions and adjourned sessions, and a separate set of jurors summoned for each.

1065. There are four courts of quarter sessions held annually in each division?—Yes.

1066. At 24 separate places?—No, I do not mean that. In Lindsey there are two sessions every quarter for that division; that is to say, eight a year; in Kesteven the same, and in Holland the same; that is to say, 24 in all.

1067. What I wish to collect from you is, at how many different places in Lincolnshire are the courts of quarter sessions held?—At six different places.

1068. That is the principal reason probably why you think difficulties would arise in Lincolnshire with regard to the rota in exhausting the list before recommencing it, is it not?—Yes, that would create very serious difficulties in Lincolnshire.

1069. But that would not be the case, would it, in counties which have only one place where the courts of quarter sessions and the assizes are held?—No; just so, that would not apply there.

1070. It is very desirable, of course, that all who are qualified to serve as jurors should serve once before others are called on to serve a second time, is it not?—Yes, and in practice the rotation clause is really carried out as far as it can be.

1071. That can only be done, of course, by the management and discretion of the under sheriff, or the summoning officer?—Yes.

1072. Mr. *Welby.*] Are there not more than two courts of quarter sessions held in Lindsey every quarter?—No, only two. There is a general session for financial business; but the first session for criminal business is held at Kirton and by adjournment at Louth, on one occasion, and at Spilsby on another occasion.

1073. Mr. *Cross.*] How is all your county business done?—There is a gaol sessions for the whole of the county. The three divisions are distinct for certain purposes, and they have different commissions of the peace. Under the Gaol Sessions Act, 5 Geo. 4, c. xii., there is a court of gaol sessions at which all the magistrates of each division may attend. It is the same as it is in Yorkshire.

1074. How are all the police affairs and lunatic asylums managed?—All those things are provided for under Acts of Parliament, and are on the same footing as in the different ridings of Yorkshire.

1075. *Chairman.*] I suppose there is no great complaint in your county with regard to the way in which jurymen are summoned?—None.

1076. And with good management, I suppose, you see no good reason why the same rule should not be carried out in other counties?—No. I think it is very desirable to leave that discretion with regard to summoning jurymen in the hands of the summoning officer. If his hands were tied, as this Bill proposes by the Rotation Clause, I think it would involve him in great difficulties and trouble. There are great complaints with regard to non-payment of jurors. They arise at every assize.

1077. Mr. *Welby.*] Is it not the fact that the size

size of farms varies very much in different districts in Lincolnshire?—Yes.

1078. Large farms are not the general rule, are they?—They are not the general rule.

1079. Mr. *Cross.*] Have you never heard a hint of any unfairness on the part of the sheriff in summoning jurors?—No. There was some suspicion which happened some time ago with regard to placing on the sessions grand jury list parties who ought not to be there, the sessions grand jury being taken from the common jury panel, and it was suggested that a sheriff's bailiff had received a fee for years from parties who had been summoned with a view to get them on the grand jury at the sessions. The sessions jurors are summoned in this way in Lincolnshire. A list of the required number is put in the hands of the summoning officer, and the officer summons them all, and at the sessions the best men are picked out by the clerk of the court to serve as grand jurors. In the district referred to it was said that the officer had received a fee with a view to put some of those parties on the grand jury.

1080. But did you ever hear of a case in any part of the county where there had been any special trials for riots, of any hints of unfairness in returning the jury?—Certainly not.

1081. Mr. *Gordon.*] How do you summon the jurymen in Lincolnshire?—They are summoned by registered letters by the sheriff's officer. The lists are prepared in the under sheriff's office, and sent to the various bailiffs of the different wapentakes; they are summoned in all cases by registered letters; the summonses are never delivered personally.

1082. *Chairman.*] What notice do you usually give the jurors?—The notices are sent out about three weeks beforehand, so that if there be any deaths or removals, they may be put right in time for the assizes, or sessions.

1083. Mr. *Egerton.*] The Committee have heard that in Manchester, if the letters did not find the parties to whom they were directed they were sent back in two or three days by the Post-office authorities; is that the case in Lincolnshire?—Yes, that is the case with us.

1084. Mr. *Floyer.*] With regard to the issue of the precepts for returning the jury lists, would it not be more convenient if those precepts were issued through the authorities of the several divisions rather than the clerk of the peace?—No; I think the clerk of the peace is the proper person to do it.

1085. But when there is a fault in making the return, and you have to proceed against the overseer, there is the trouble and expense of getting the clerk of the peace to attend to prove the issue of the precept, is there not?—Yes, there might be that trouble and expense, certainly, unless the party admits it; but I do not think that it is a serious difficulty.

1086. You do not think that the difficulty is so great as to make it desirable to make any alteration in that respect?—No; usually in cases of summary convictions no question arises with respect to the service of a notice. In 19 cases out of 20 we find that the fact is admitted. I mean, assuming that the notice has been received.

1087. Mr. *Dickinson.*] I understand you to object to the principle of having only one jury list?—I certainly would relieve special jurors from service on common juries. I think it is very desirable.

1088. Will you be kind enough to turn to sections 14 and 20 of the Bill now before the Committee. It seems, under this Bill, that you would not have a special jury list the same as you have now?—No; at present the special jury list is made out by the under sheriff from the common jury list, as soon as he has got it from the clerk of the peace; but, under the Bill, the special jury list would, in the first instance, be prepared by the overseer, and the errors would be pointed out by the guardians of the parish (which I think is very desirable), and would thus be communicated to the justices in petty sessions.

1089. There is to be no special jury list at all under this Bill, is there?—No doubt that would be the effect of it.

1090. There is only to be one list altogether, as I understand the Bill?—At all events, the magistrates in petty sessions would mark and certify the lists which would bear the word "special" against any special juror's name. It would be simply a question of copying the list, and it would virtually have the effect of having those lists prepared in petty sessions, they having been prepared in the first instance by the overseer; because the 14th section provides that "The overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors, and the nature of their qualifications respectively."

1091. By clause 20 the special jurors' names are not to be taken out of the list?—Neither are they now.

1092. You have got a separate list at present, have you not?—Yes, but it is extracted from the jury book; all the names are in one book. They remain in the larger book as before.

1093. But the special jurors cannot be summoned on a common jury, can they?—We never do it, and I do not believe that it is done in any county; I am not quite clear whether they are legally exempted or not, but I think it is very desirable they should be exempted, and unless the under sheriff is compelled to summon special jurors on common juries, I am quite sure he never would do so.

1094. *Chairman.*] Have you anything further that you wish to state to the Committee?—No.

LIST OF APPENDIX.

Appendix, No. 1.

Paper handed in by Mr. Joseph Rayner, Town Clerk of Liverpool: PAGE.
Number of Jurors upon the County Jury List for the Borough of Liverpool - - 47

Appendix, No. 2.

Papers handed in by Mr. Mendham, 13 June 1870:
Letter from Mr. Mendham to the Town Clerk, Dorchester - - - - - - 48
Answers to Queries submitted on the Jury Question - - - - - - - 49

Appendix, No. 3.

Papers handed in by Mr. F. Burton, 16 June 1870:
Schedule of Thirty-one Towns and Parishes in the County of Lincoln, showing the Number of Inhabitants by the last Census; the Number of Jurors on the Book for the present Year; and the Number out of those who are qualified under the present Assessment Clause; &c. - - - - - - - - - - - - - 51
Schedule of Returns from the Three principal Unions taken from Valuation Lists, showing the probable effect produced by Sections 6 and 7 - - - - - - 51

APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *Joseph Rayner*, Town Clerk of *Liverpool*. Appendix, No. 1.

NUMBER of JURORS upon the COUNTY JURY LIST for the Borough of *Liverpool*.

Parish of Liverpool - - - - - - - - - - - -	3,381
Township of Kirkdale - - - - - - - - - - - -	760
„ Everton - - - - - - - - - - - -	1,845
„ West Derby [1700]. In the Borough (Part of Township of West Derby) - - - - -	816
Township of Toxteth Park [1518]. In the Borough (part of Township of Toxteth Park) - - - - -	1,318
TOTAL - - -	8,120

Effect of Alteration of Qualification.

In the Borough there are ratepayers at exactly 20*l.* - - - - -	1,179
There are ratepayers who are rated at 21*l.* and up to 39*l.*, in respect of dwelling-houses only, or dwelling-houses and shops - - - - -	9,350
Making a Total of - - -	10,529
There are ratepayers who are rated at 21*l.* and up to 49*l.*, in respect of dwelling-houses only, or dwelling-houses and shops - - - - -	11,199
Add, as above - - - - - - - - - - -	1,179
Making a Total of - - -	12,378

exceeding by 4,258 the number of jurors on the list.

The inference to be drawn from the above facts is, that there must be a very large number of ratepayers at and above 20*l.* who are above 60 years of age, females, or exempt from service by their profession (6 Geo. 4, c. 50, ss. 2, 3, 48; 5 & 6 Will. 4, c. 76, s. 122).

There must also I fear be a considerable number of persons legally qualified to serve who are omitted from the list.

After making these allowances the examination of the jury lists' rate books shows, I submit, conclusively that in the largest Boroughs the minimum rateable value to give a qualification should not be more than 40*l.* (say above 100,000 inhabitants), otherwise the burden on those who remain liable to serve will be unreasonable. I think 30*l.* would be sufficiently high in all cases.

Appendix, No. 2.

Appendix, No. 2.

PAPERS handed in by Mr. *Mendham*, 13 June 1870.

CIRCULAR.

Dear Sir, Guildhall, Norwich, 31 May 1870.

YOU are no doubt aware that there is now before the House of Commons a Bill to amend the law relating to juries, so far as concerns counties. You are also aware that in cities and boroughs having a separate court of quarter sessions and a court of record, the burgesses, by the 121st section of the 5 & 6 Will. 4, c. 76, are the jury, with the exemption and disqualification mentioned in the 122nd section, modified by the 16 & 17 Vict. c. 79, s. 6; but as no provision whatever is made for forming the grand, and special, and petty jury panels, the practice in regard thereto has been very irregular and in many instances unsatisfactory. In the year 1869, in the case of Sheward, who was tried in this city for murder, an unsuccessful attempt was made to upset the conviction, on the ground amongst others, of the way in which the grand and petty juries were chosen.

By the Act of 1869, c. 55, which makes an occupation for 12 months, with simple residence, without being an inhabitant householder, the qualification for a burgess, the burgess roll is greatly increased, and this, coupled with rating the landlord under "The Poor's Rate Assessment and Collection Act, 1869," reduces, in the opinion of many persons, the qualification for jurors in cities and boroughs far below what it ought to be.

Under such circumstances, the town council of this city are endeavouring to get provisions for amending the law relating to juries in cities and boroughs inserted in the Bill, and with that view I am directed to ask you to be kind enough to answer, and return without delay, the questions on the other side.

I am, &c.
(signed) *W. L. Mendham*,
Town Clerk.

The Town Clerk, Dorchester.

QUERIES.

BOROUGH OF DORCHESTER.

JURIES ACT, 1870.

1. What is the course taken in your borough in forming Jury panels, and summoning Juries? - -

2. What, in your opinion, should be the rating qualification for Grand, Special, and Petty Jurors respectively? - - - - - - - -

3. In your judgment, might the exemption and disqualification in Section 122 of the original Act be abolished, except as to magistrates being on Grand Juries at Quarter Sessions? - -

This borough has no separate Court of Quarter Sessions.

4. If you desire to make any suggestions, please do so.

G. Symonds,
Town Clerk.

3 June 1870.

ANSWERS to QUERIES submitted on the JURY QUESTION.

N.B.—The places printed in *Italics* elect Sheriffs.

BOROUGH.	Population last Census.	1.	2.	3.	4.
Boston	17,893	No rule	Grand Jury, 20 *l.*; Petty Jury, 10 *l.*	Exemption	Dispense with Grand Jury at Sessions.
Bristol (*No Return.*)	—	—	—	—	—
Bury St. Edmunds	13,318	Arbitrary; from Burgess Lists.	Grand Jury 50 *l.*; Petty Jury, 15 *l.*	Certainly	A more careful selection necessary.
Carmarthen	111,796	Arbitrary	Raise the standard of qualification 20 *l.*	Yes	Exclude licensed victuallers, pawnbrokers, and marine storedealers.
Chester	31,110	Burgess Lists; Grand Jury; General List.	Grand Jury, 50 *l.*; Petty Jury, 30 *l.*	No.	—
Colchester	23,809	Burgess Lists	Qualification should be altered.	Yes	Abolish Grand Jury.
Canterbury	21,324	Discretionary, and very irregular.	Difficult matter, graduated scale according to population; Grand Jury, 25 *l.* and upwards; Petty Jury, 10 *l.*	Yes	Alteration now required by increase of Burgess Roll.
Chichester	8,059	From Ward Lists alternately.	—	Yes.	—
Devizes	6,638	Grand Jury, from 1st Class; Petty Jury, from 2nd Class.	Difference, 6 *l.*	No	Too large a number summoned; *see* answer and sec. 121, 5 & 6 Vict. c. 76.
Durham (No Sessions.)	14,088	—	Grand Jury, 50 *l.*; Petty Jury, 10 *l.*	No.	—
Gateshead (No Sessions.)	33,587	—	Grand Jury, 100 *l.*; Petty Jury, 10 *l.*	No; for reasons, query good.	—
Haverfordwest (Summoned to give evidence on the 16th.)	9,821	Arbitrary	A rating qualification	No; for reasons alleged in answer.	A union of borough with surrounding district; *see* reply.
Ipswich	37,950	Arbitrary	Grand Jury, 30 *l.*; Petty Jury, 10 *l.*	Yes	An alteration necessary.
King's Lynn	16,170	Discretionary	A distinction necessary	No; should remain.	—
Kingston-upon-Hull	97,661	Arbitrary	No qualification necessary	Yes.	—

ANSWERS to Queries submitted on the Jury Question—*continued*.

BOROUGH.	Population last Census.	1.	2.	3.	4.
Liverpool - - - (Town Clerk examined.)	443,938	Arbitrary; class lists -	Grand Jury, 80 *l.*; Petty Jury, 20 *l.*	Seen no practical inconvenience.	—
Lichfield - - -	6,893	Arbitrary; omitting persons thought incompetent.	Grand Jury, 20 *l.*; Petty Jury, 10 *l.*	Yes - - -	Take also Parliamentary Register.
Lincoln - - -	20,999	Local Directory; Burgess and Parliamentary Register.	Grand Jury, 25 *l.*; Petty Jury, 10 *l.*	Certainly - -	Lodgers having an income of 25 *l.* a year.
Maldon - - -	6,261	- - -	Now taken from too low a class.	Should be abolished -	Abolish Grand Jury.
Newport - - - (No Sessions.)	- -	- - -	Raise qualification. -	Exemption remain -	*See* reply as to present selection of Special Jury.
Nottingham - -	74,693	Directories; Parliamentary and Municipal Registers; as he best can	Grand Jury, 50 *l.*; Petty Jury, 20 *l.*	Yes; Magistrates on Grand Jury at Assizes: abolish disqualification.	*See* answer from Town Clerk and Clerk of the Peace.
Oxford - - -	27,560	Arbitrary; the more respectable on Grand Jury	Higher than now - -	Yes - - -	Abolish Grand Jury; *see* answer.
Portsmouth - -	94,799	Discretionary and arbitrary; desire change.	Grand Jury, 30 *l.*; Petty Jury, 15 *l.*	Yes - - -	See reply; present law most unsatisfactory, &c.
Rochester - -	16,862	Discretionary - - -	Not considered question -	Oppose abolition -	Will consider provisions if sent.
Scarborough - -	18,377	By Clerk of Peace or summoning officer using discretion.	Grand Jury, 15 *l.*; Petty Jury, 10 *l.*	No.	—
Shrewsbury - -	22,163	- - - -	Petty Jury, 25 *l.* - - Special, Esquires, Bankers, Merchants, &c.	Yes.	—
Stafford - - - (No Sessions.)	12,532	- - - -	Not less than 10 *l.* - -	Yes.	—
Windsor - - -	9,520	From Burgess Roll -	Grand Jury, 25 *l.*; Petty Jury, 10 *l.*	Yes - - -	Suggestions; *see* reply.
		Grand Jury, above 15 *l.* - Petty Jury, below 15 *l.*	Now too low - - -	Justices on Grand Jury at Assizes.	—
Yarmouth, Great -	34,810	Overseers and Crier select Jury, and send names to Clerk of the Peace.	Grand Jury, 30 *l.*; Petty Jury, 15 *l.*	Yes - - -	Qy.—Distinction between Jury necessary.

Appendix, No. 3.

PAPER handed in by Mr. *F. Burton*, 16 June 1870. Appendix, No. 3.

SCHEDULE of Thirty-one Towns and Parishes in the County of *Lincoln*, showing the Number of Inhabitants by the last Census; the Number of Jurors on the Book for the present Year; and the Number out of those who are Qualified under the present Assessment Clause; &c.

TOWN OR PARISH.	1. Number of Inhabitants as per 1861 Census.	2. Number in Jurors' Book, 1870.	3. Number under present 20 *l.* Assessment Qualification taken from Jurors' Book, 1870.	4. Probable Number that would be struck off under Sec. 6, taken from Poor's Rate Book.
Boston	17,893	316	152	71
Grinsby*	11,067	206	122	—
Louth*	10,667	268	134	—
Spalding	7,032	268	131	61
Gainsbro'	6,320	163	95	69
Horncastle	4,846	124	54	47
Long Sutton	4,048	80	64	32
Barton	3,797	120	26	22
Sleaford	3,325	86	42	45
Brigg	3,138	65	41	16
Bourn	3,066	87	45	32
Alford	2,666	86	22	19
Crowle	2,648	93	34	16
Market Rasen	2,563	88	34	25
Crowland	2,413	108	62	11
Billinghay	2,247	25	10	7
Haxey	2,157	138	38	10
Caistor*	2,141	65	18	—
Gosberton	2,107	103	48	12
Epworth	2,097	116	50	16
Kirton-in-Lindsey	2,058	48	13	14
Holbeach	2,083	148	105	33
Belton	1,871	92	40	4
Winterton	1,780	50	7	3
Donington	1,690	78	49	17
Spilsby	1,467	36	26	22
Wainfleet All Saints	1,392	29	12	12
Billingborough	1,149	23	5	7
Falkingham	650	20	19	4
Wragby	619	19	19	7
Horbling*	546	13	11	—
	111,543	3,161	1,529	624
Deduct the Total of those above marked*. No return from them under 4th column	24,421	552	285	—
	87,122	2,609	1,244	624

SCHEDULE of RETURNS from the Three principal UNIONS taken from Valuation Lists, showing the probable effect produced by Sections 6 and 7.

UNION.	Population.	Number of Jurors for Union.	Common.		Special.		
			Number of Jurors under present Rateable qualification.	Number of Ratepayers assessed at 20 *l.* and under 30 *l.*	Number of Ratepayers assessed in respect of House at 60 *l.* or upwards.	Number of Ratepayers assessed in respect of Farms at 500 *l.* or upwards.	Number of Ratepayers assessed in respect of Premises other than Farms of 200 *l.* or upwards.
Lincoln, exclusive of City	26,075	670	427	216	17	97	—
Caistor	966	586	—	—	—	—	
Boston	37,921	1,212	566	239	3	21	4

REPORT

FROM THE

SELECT COMMITTEE

ON THE

JURIES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1870.

[*Price* 8*d.*]

306.

Under 8 *oz.*

Brought from the Lords, 28 June 1870.

SECOND REPORT

FROM THE

SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD; and to report to the HOUSE; and to whom leave was given to report from time to time to the HOUSE; and to whom was referred the Annual Account of the Fee Fund of the House of Lords; and to whom was also referred the Report of the Select Committee of the House of Commons on the Houses of Parliament (New Refreshment Rooms, House of Commons).

ORDERED TO REPORT,

THAT the Committee have again met and have been again attended by the Clerk of the Parliaments.

The Committee have considered the Report of the Committee of the House of Commons of the 25th of May last, referred to them by Order of the House, in which that Committee state, that they have considered the last Report of this Committee, and inform the House that this Committee had advised their Lordships to give up the Painted Chamber to the exclusive use of the Commons, in the event of the Plans recommended by this Committee being agreed to.

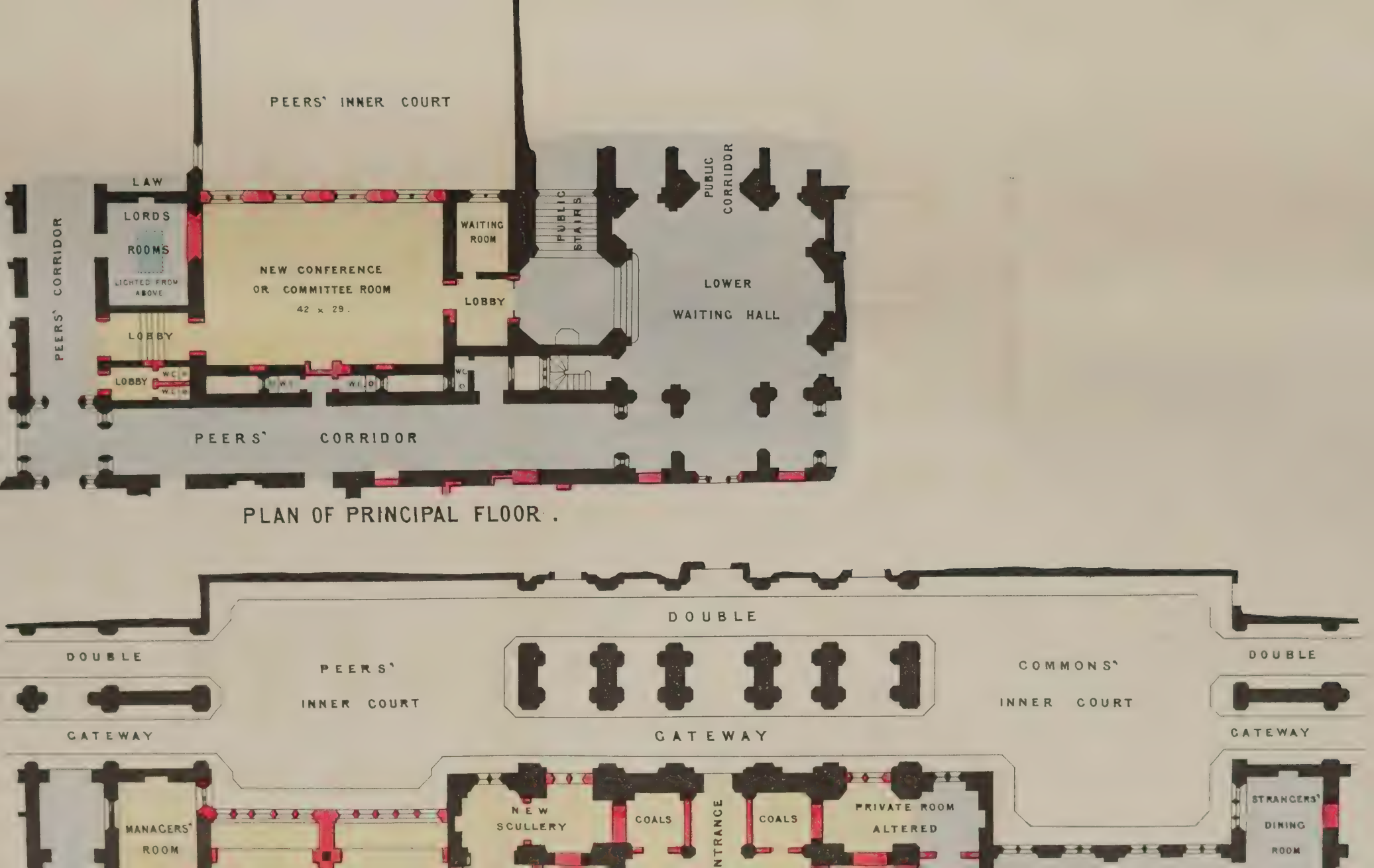
It will be recollected that the House of Lords had, through this Committee, expressed their readiness to give up their best Committee Room, to meet the convenience of the Commons. In the Report of the Commons Committee it is stated, "that they abstain from entering into any enquiry respecting the arrangements for the House of Lords, as they consider such arrangements should be made by their Lordships directly with Her Majesty's Government." The Committee therefore consider it necessary to recommend that steps should be taken by the House to secure an assurance from Her Majesty's Government that the conditions on which they have advised that the Painted Chamber should be given up to the Commons shall be fulfilled, as without such assurance they cannot advise that the concession in relation to that apartment, which has always belonged exclusively to the House of Lords, shall be made.

The Committee hope that a competent architect may be employed to prepare the plans for the new room proposed to be given in exchange for the Painted Chamber, and for the approach to it from the landing-place on the staircase in the lower hall. As some alteration must be made in the window there, care should be taken that it is done in a manner consistent with architectural effect. They are confident that the House would be unwilling that, for want of a proper design, the building should be in any way disfigured in carrying out their proposals.

Having examined the plans appended to the Report of the Commons Committee, they find that the kitchen therein designed will be only 14 feet 9 inches

wide, and, as they are informed, only 12 feet 8 inches high. In the plans prepared by Mr. Barry the kitchen was to have been placed under the new room to be erected for the House of Lords. By this, or some similar plan, very superior accommodation in space and height would be obtained, together with a more convenient situation for the joint service of the two Houses from the same establishment, should such an arrangement at any time prove desirable. The Committee have been informed that the difference in the estimate for this portion of the work between Mr. Barry's plan and that of the Chief Commissioner is not large; and the Committee desire to repeat the remark made by them in their former Report, that while "they are very sensible of the importance of observing reasonable economy in all public expenditure, they feel that in making any permanent provision for the accommodation of the Houses of Parliament it is desirable that all should be done in the best manner, and that some additional outlay, by which greater convenience will be obtained, will be money well laid out."

The plans laid before this Committee by Mr. Barry last year, so far as they relate to the kitchen department and the new room, are appended to this Report.



PLAN OF PRINCIPAL FLOOR.

Brought from the Lords, 28 *June* 1870.

SECOND REPORT

FROM THE

SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD.

Ordered, by The House of Commons, *to be Printed*,
30 *June* 1870.

[*Price* 6 *d.*]

318.

Under 1 *oz.*

Brought from the Lords, 7 July 1870.

THIRD REPORT

FROM THE

SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD; and to report to the HOUSE; and to whom leave was given to report from time to time to the HOUSE; and to whom was referred the Annual Account of the Fee Fund of the House of Lords; and to whom was also referred the Report of the Select Committee of the House of Commons on the Houses of Parliament (New Refreshment Rooms, House of Commons).

ORDERED TO REPORT,

THAT the Committee have again met and have been again attended by the Clerk of the Parliaments.

The Lord Privy Seal having communicated to the Committee the views of Her Majesty's Government with respect to the new room to be built for the use of the House of Lords, in exchange for the Painted Chamber to be given up to the House of Commons, the Committee have reconsidered their decision which was reported to your Lordships on the 23rd of June last, and have resolved,

That the plan proposed by Her Majesty's Government for a new Committee Room, to be substituted for the Painted Chamber, with a door from the Peers' corridor, instead of from the landing place on the staircase in the lower hall, should be adopted; but the Committee desire that, in consequence of this alteration, the Peers' entrance to the new room should not be from that corridor, but from the Peers' cross corridor on the level, and, otherwise, in the manner shown on Mr. Barry's plan.

Brought from the Lords, 7 July 1870.

THIRD REPORT

FROM THE

SELECT COMMITTEE on the OFFICE of the CLERK of the PARLIAMENTS and OFFICE of the GENTLEMAN USHER of the BLACK ROD.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1870.

342.

REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY AND MUNICIPAL ELECTIONS;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

AN APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1870.

115.

Friday, 11*th February* 1870.

Ordered, THAT a Select Committee be appointed to inquire into the present modes of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity, and freedom.

Tuesday, 15*th February* 1870.

Ordered, THAT the Select Committee on Parliamentary and Municipal Elections do consist of Twenty-three Members.

Committee nominated.

The Marquis of Hartington.
Mr. Gathorne Hardy.
Mr. Bright.
Mr. Hunt.
Sir George Grey.
Mr. Villiers.
Sir Frederick Heygate.
Mr. Brand.
Mr. Cross.
Mr. Whitbread.
Mr. Raikes.
Mr. Leatham.
Mr. Staveley Hill.
Mr. Locke.
Mr. William Henry Smith.
The O'Conor Don.
Mr. Graves.
Mr. Dalglish.
Sir Michael Hicks Beach.
Mr. James.
Mr. Howes.
Mr. Fawcett.
Mr. Bourke.

Ordered, THAT Seven be the Quorum of the Committee.

Tuesday, 22*nd February* 1870.

Ordered, THAT the Minutes of Evidence taken before the Select Committee on Parliamentary and Municipal Elections in the last Session of Parliament be referred to the Select Committee on Parliamentary and Municipal Elections.

Tuesday, 15*th March* 1870.

Ordered, THAT the "Copy of the Shorthand Writer's Notes of the Judgments delivered by the Judges selected in pursuance of the Parliamentary Elections Act, 1868, for the Trial of Election Petitions," presented in the last Session of Parliament, be referred to the Committee.

Ordered, THAT the Committee have power to report their Observations to The House.

REPORT - - - - - - - - - - - - - - p. 3
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. 9
APPENDIX - - - - - - - - - - - - - - p. 23

REPORT.

THE SELECT COMMITTEE appointed to inquire into the present modes of conducting PARLIAMENTARY and MUNICIPAL ELECTIONS, in order to provide further guarantees for their tranquillity, purity, and freedom;—— HAVE considered the matters to them referred, and have agreed to the following REPORT:—

IT has been proved to your Committee that in many boroughs great corruption prevails at Municipal Elections. In some boroughs it appears that a considerable class of voters will not vote unless they are paid; and the fact that the power at the election is mainly in the hands of such persons, prevents respectable persons from becoming candidates, or taking part in the voting. Treating is also practised at municipal elections to a great extent. In some instances the bribery takes the form of payment by drink tickets instead of money; and more frequently the election is accompanied by an amount of drinking which is described as demoralising to the town.

Other corrupt practices prevail, but apparently to a minor extent. Serious rioting frequently takes place on the polling day, and there is evidence to show that intimidation of individual voters is practised. In some cases the corrupt influences which are at work in a Municipal Election are made use of with a view of influencing the Parliamentary Elections, which, in the case of the last General Election, followed the former almost immediately. In most cases, however, party spirit or local questions appears sufficient to cause an extensive use of corrupt practices.

Although the educated and respectable inhabitants would gladly see measures adopted which would put a stop to these practices, they take no active steps for this purpose.

Suggestions have been made for remedying these evils.

1st. By the enactment of some more simple form of procedure for the recovery of penalties.

2nd. By the appointment of a special officer charged with the prosecution of these offences.

3rd. By the assimilation of the law relating to the avoidance of Municipal Elections, on account of corrupt practices, to that now affecting the trial of Parliamentary Election Petitions.

4th. By the adoption of secret voting.

The attention of your Committee has been directed to the insufficient means afforded by the law for the detection or punishment of corrupt practices at Municipal Elections. Bribery at such elections is punishable as a misdemeanour at common law, and a person thereat guilty of bribery, treating, or undue influence, can also be proceeded against in the County Court, and a penalty of 40 *s.* recovered for each offence.

It was established by many witnesses that proceedings by indictment to punish bribery are most infrequent, whilst actions under the Act 22 Vict. c. 35, are but rarely brought.

It was still more strongly pressed upon your Committee that the present law for the avoidance of Municipal Elections, procured by corrupt practices, is insufficient and ineffective. No special tribunal for determining the validity of such elections exists, and the only mode of testing a return is by *Quo Warranto* in the Court of Queen's Bench. It is believed that no Municipal Election has ever been sought to be invalidated on the ground of the existence of corrupt practices by this proceeding, whilst the great expense, the delays, and the fact that ultimately the validity of every vote recorded might have to be determined by a jury, render it practically impossible that this mode of avoiding Municipal Elections will ever be resorted to.

With regard to the first of the above suggestions, it is difficult to find any more simple or more inexpensive tribunal before which such cases could be tried than the County Court.

As to the second, the difficulty of obtaining evidence, on account of the unpopularity attaching to the raking up of charges made in the excitement of an election when that excitement had passed away, would not be diminished by the appointment of such an officer; and as his costs would fall upon the borough, the unpopularity of any party coming forward to give evidence would be increased. We cannot, therefore, recommend such an appointment.

We recommend that the third suggestion should be carried into effect, but it probably would be deemed unnecessary that Municipal Petitions should be tried before a Judge of the Superior Courts.

As to the fourth, we reserve our observations to a later period of our Report.

With regard to Parliamentary Elections in Boroughs your Committee have examined many witnesses, but the evidence does no more than confirm what has been frequently established before Committees of the House, Royal Commissions, and the Judges who have been engaged in the trial of Election Petitions. The returns in the Appendix to the Report of the Select Committee on Parliamentary and Municipal Elections in the last Session of Parliament show that both in former and in the last Elections various corrupt practices, of which bribery and treating were the chief, have prevailed, and to such an extent as to invalidate many Elections; and it cannot be supposed that either now or formerly have the whole of such practices been brought to light. It has been proved that in some instances rioting and violence to person and property have occurred on the nomination and polling days so as to interfere with the freedom of the Election, while in a much larger class of case Elections are accompanied by drunkenness and disorder.

It is difficult to arrive at the truth of the allegations of intimidation of workmen by masters, of tenants by landlords, of tradesmen by customers, and of working men by each other. This also applies to intimidation by ministers of religion. That intimidation in these forms is not extensively practised in a mode capable of legal proof, is evident from the rarity of cases in which a return has been set aside on this ground. But that it is practised, though in a manner difficult of proof before a legal tribunal, cannot be doubted. We have examined many witnesses who have alleged the existence of intimidation of each kind above described. As soon as this evidence has become known in the locality, applications have been received that witnesses on the other side should be examined, who have denied the charges brought against themselves, but have usually attributed similar practices to their opponents. It is certain, at least, that whether intimidation is extensively practised or not, the fear of it widely prevails among that class of voters who are liable to its influence. There exists during the canvass in most boroughs a system of working upon voters through private considerations, whether of interest, hope, or fear, for political purposes, and this system enables undue influence in a modified form to be constantly practised.

Your Committee have had much less evidence relating to County Elections, The returns above referred to show that, as compared with Borough Elections, a very

a very small number have been called in question before Committees or the Judges. This fact proves, in our opinion, that they have been in the main free from bribery.

It is, however, alleged that intimidation and undue influence are very largely practised in county elections, and evidence from Wales and Scotland, to the effect that tenants have been actually turned out of their farms on account of their votes, has been brought before us to substantiate the allegation. It is difficult for a Committee examining witnesses, not upon oath, and without the services of any persons who act in the character of counsel for the prosecution or defence, to form an opinion worth much, on disputed matters of fact; and contradictions more or less specific, have generally been advanced against the charges which have been made. In some instances the allegations have not been contradicted. We have endeavoured to investigate some of these cases, but found ourselves involved in inquiries which unduly protracted our proceedings, and, for the reasons mentioned above, were not altogether satisfactory. It is certain, however, that an influence, exceeding in a greater or less degree the legitimate influence which a popular and respected landlord must always exercise in his neighbourhood, is often brought to bear on tenant farmers, and other voters in agricultural districts. The agent frequently holds language which the landlord would shrink from using, but which the latter does not think it necessary to disown. An instance was given where tenants who had signed the requisition to a candidate, all voted with their landlord against that candidate; another, where no tenant on the estate would promise the same candidate a vote until they had received an assurance from their landlord that they might vote as they pleased, on receiving which they all both promised and voted for the candidate opposed to the landlord's politics. The inducement to vote with the landlord may frequently proceed rather from the hope of future advantages to be conferred than from the fear of injury to be inflicted; but of whichever character the inducement may be, we think that the influence so exercised comes under the description of undue influence, and, as such, ought, if possible, to be checked.

The different political and social conditions existing in England, Scotland, and Ireland, produce some differences in the character of their elections, and of the influences at work in them, which ought to be noticed. In England and Ireland the Borough Elections are often extremely corrupt. In Scotland, it is stated, without contradiction, that, bribery is almost unknown. This is attributed in a great measure to the superior education of the Scotch people; and partly to the fact that the constituencies being comparatively new, there exists no corrupt class, long familiar with the traditions of bribery, similar to that which in many English and Irish boroughs has not only retained in itself but spread through the constituency the desire for a corrupt expenditure.

In each of the three countries it is alleged that intimidation by landlords prevails in County Elections. In England tenants generally vote in accordance with the wishes or known opinions of their landlords. In Scotland they have in some recent instances voted almost in a body against their landlords. This has been attributed partly to the nature of the relations between landlord and tenant in Scotland, which are usually of a more strictly commercial character than in England, partly to the fact that the Scotch tenant farmers take a very warm interest in certain public questions in which they consider that their own and their landlord's interests are not identical.

In Ireland, again, the influence of the landlord is often opposed by that of the Roman Catholic clergy. Organized mobs also appear to be an almost generally recognised part of the system of conducting an Irish election. The object of their employment is either to intimidate an unwilling voter, or one who is supposed to be under coercion, so as to force him to vote on the side of the popular party, or to prevent, by physical force, the voters of the opposite side from reaching the poll. To so great an extent is this system carried, that the employment of troops in aid of the police, is the ordinary rule at an Irish election. The military force in the country is distributed before a general election with a view to that event, and not only are the troops employed to preserve order at the polling-places, but escorts are frequently given on the requisition of candidates or their agents, for the purpose of protecting voters coming from a distance. It is

alleged that in some cases the voters go under the charge of these escorts against their will, and consider themselves under coercion. Notwithstanding these precautions, scenes of violence, including loss of life, are not unfrequent. Mr. Justice Keogh, in his judgment on the Drogheda Election Petition, has given a vivid description of the events which took place on the polling-day, and of the absence of freedom of election in that case.

As might have beeen expected, the views of this state of things taken by Irish witnesses whom we have examined, were extremely divergent.

On the one hand it is contended that Roman Catholic tenants would frequently, from conviction, or from feelings of attachment to a good landlord, desire to record their votes on his side; that in so doing they are exposed to spiritual intimidation from the clergy, and to the risk of violence from the mobs assembled by the influence of the priests, and directed by them; that these influences entirely destroy the freedom of action of the voter, and give an excuse for some amount of pressure on the part of the landlord. On the other hand it is maintained that the influence of the priests is used only for the purpose of strengthening the determination of the voters to vote according to their convictions, notwithstanding the pressure which may be brought to bear on them; that Roman Catholic voters would never willingly oppose the cause espoused by the great majority of their countrymen and by their clergy; and that often the mob intimidation—the existence of which is admitted—is desired and invited by the supposed victims as an excuse for escaping from coercion of another character.

We cannot doubt that there is some truth in the assertions made by both parties; and we are convinced that, under the present system of conducting elections, there exists in many boroughs and counties of Ireland no real freedom of election. We consider that some change is urgently required.

We now come to the consideration of the remedies which have been proposed for the evils and inconveniencies, the existence of which is alleged.

The chief suggestions which have been made are the following:—

That the present system of public nominations and declarations of the poll should be discontinued.

That the employment of paid agents and canva-sers should be prohibited.

That the use of rooms in public-houses for committee or other election meetings, should be forbidden.

That public-houses should be closed on the days of nomination and polling.

That the law relating to the destruction of property by rioters should be made more stringent.

That the law which requires a return of the expenses of candidates should be amended.

That the use of voting-papers be permitted.

That the number of polling-places should be increased.

That vote by ballot be adopted.

The question of the abolition of the present system of nominations and declarations cannot, in our opinion, be treated as one. It appears to us that the declaration of the poll might be made as well in some other way; but as regards public nominations, there is much to be said in favour both of the retention and discontinuance of the practice.

At some places of election, both in counties and boroughs, the addresses which are delivered are rendered inaudible by noise, tumult, and wilful interruptions; and occasionally, serious disturbances begun on the nomination day are continued throughout the election. On the other hand, the abolition of the present system would, as it seems to us, tend to fetter the free choice of the electors, and would deprive a candidate of an opportunity of setting himself right

right with a constituency in the event of mis-statements as to his opinions or his character, and it would make it extremely difficult to prevent the putting forward of persons as candidates for mere purposes of annoyance, or the fraudulent withdrawal of others who were in favour with the electors. Again, it must not be forgotten that in the majority of cases proceedings at nominations are conducted in an orderly manner and without any attendant evils, and that in the case of an uncontested election, the whole proceedings are concluded and the return is made on the day of nomination.

The evidence of the majority of witnesses that have come before us is no doubt in favour of a change; but no practicable substitute has been proposed by any of them, nor has any suggested itself to ourselves, which, while removing existing causes of complaint, would preserve those advantages of the present system to which we have referred.

We do not think that it would be possible to prohibit absolutely the employment of paid agents for the purpose of an election, and there would be much difficulty in enforcing the prohibition of the use of paid canvassers. Although the employment of paid agency is sometimes carried to an unreasonable and improper extent, so as in some cases to assume a corrupt character, an election cannot always be conducted without paid agents of some kind.

We are of opinion that the use of rooms in public-houses for committee-rooms for the purpose of an election, is a fruitful source of expense and of corruption, and should be forbidden by law.

The closing of public-houses on the days of nomination, if it is to be conducted on the present system, and on the polling-day during the hours when the poll is open, would tend to the tranquillity and purity of election. The witnesses whom we have examined have naturally looked upon the question almost entirely from this point of view, but we fear that the inconvenience to the public generally of such a measure would be so great as to outweigh its advantages.

We consider that at present the law relating to the recovery of compensation for damage done by riotous mobs to property is not in a satisfactory state, and that it is desirable to improve it, so as to enlist, as far as possible, the inhabitants of the district in the support of law and order.

We have received evidence to show that the present provision of the law which requires a return of the expenses of candidates is insufficient for its purpose, and fails in many cases to secure a full statement of such expenses; and we think that any payment made by a candidate or his agent, on account of the election, and not included in the return of his election expenses, should be declared to be a corrupt payment, within the meaning of the Corrupt Practices Act. And such return should include all expenses incurred by him or his agent on account of the election, from the date at which he or his agent had publicly announced his intention to become a candidate.

A few witnesses have recommended the system of voting-papers. Their chief recommendation is that the risk of riot on the polling-day would be diminished. In our opinion, they would tend to aggravate some of the evils of the present system, by the facilities which they would give for bribery, for fraud, and for certain forms of intimidation.

The multiplication of polling-places in counties has been suggested as a means of promoting the convenience of voters, of increasing the tranquillity and diminishing the cost of elections. And with a view to putting all electors, so far as circumstances admit, on an equality, we recommend a considerable increase; this would tend to obviate the necessity of providing conveyances for voters.

Much evidence has been given by witnesses not exclusively confined to any political party, to show that the discontinuance of open voting, and the substitution for it of secret voting, or vote by ballot, would be of great advantage in Parliament and Municipal Elections.

We have endeavoured to extend our inquiry beyond the theoretical arguments which are usually employed by the advocates and opponents of the ballot, and to

ascertain how it has worked in the British Colonies, and in Foreign States where it has been adopted.

With this view, we have examined witnesses from Victoria, New South Wales, South Australia, and Tasmania, and have also received evidence as to the systems in use in France, Italy, and Greece.

The effect of this evidence has been to prove that in these countries, under a system of ballot, the poll is taken without intimidation, riot, or disorder, while in Australia bribery and treating have been greatly reduced, and personal canvassing discouraged.

It remains to be considered, whether it is desirable that the ballot should be adopted in this country.

The principal objections which have been advanced against the ballot as applied to our own elections are: That the act of voting is a public duty, and should involve a public responsibility: That it would lead to hypocrisy and deception: That it would do little to restrain the practice of treating: That it would increase bribery, by making it more difficult to detect: That it would be wholly inoperative in the case of spiritual intimidation such as that which is alleged to exist so extensively in Ireland: That it would afford facilities for personation.

While we admit that there is force in many of these objections, we are on the whole, of opinion that the ballot possesses many great advantages, and that the weight of evidence leads to the conclusion that this change in the mode of voting would not only promote the tranquillity both of Municipal and Parliamentary Elections, but will also protect voters from undue influence and intimidation, and introduce into elections a greater degree of freedom and purity than is secured under the present system. But in recommending the adoption of the ballot, we desire to express our opinion that, in order to secure the benfits we anticipate from its introduction into this country, it is necessary that the secrecy of the vote should be inviolable, except in the case of any voter who is found guilty of bribery, or whose vote, in due course of law, has been adjudged invalid.

We have referred above to the extensive employment of troops at Irish elections. It could not be safely discontinued under the present system; but we must express our conviction that no freedom of election can exist where so large a part in the proceedings is taken by a military force. In our opinion, the ballot offers the only means by which the practice might effectually be put an end to; but under any circumstances we are of opinion that the employment of the civil and military forces of the country should be confined to keeping order and preserving the public peace, and that care should be taken that neither the constabulary nor the military should be employed in escorting voters others than those who willingly place themselves under their protection.

15 March 1870.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 22nd February 1870.

MEMBERS PRESENT:

Mr. Hardy.	Mr. Villiers.
Mr. Hunt.	Mr. Brand.
Mr. Leatham.	Marquis of Hartington.
Mr. Locke.	Mr. Fawcett.
Mr. Raikes.	Sir George Grey.
Mr. Bourke.	Mr. Cross.
Mr. Whitbread.	

The Marquis of HARTINGTON was called to the Chair.

The Committee deliberated.

[Adjourned till Friday, 4th March, at Twelve o'clock.

Friday, 4th March 1870.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Cross.
Mr. Villiers.	Mr. William Henry Smith.
Mr. Leatham.	Mr. Whitbread.
The O'Conor Don.	Mr. Hardy.
Mr. Howes.	Mr. Locke.
Mr. Bourke.	Mr. Hunt.
Mr. Fawcett.	Mr. Brand.
Mr. Graves.	Mr. Dalglish.
Mr. Raikes.	Sir Frederick Heygate.
Mr. James.	Mr. Staveley Hill.

DRAFT REPORT, prepared by the Chairman, read the first time, as follows:—

"MUNICIPAL ELECTIONS.

1. "IT has been proved to the Committee, that in many boroughs in England and Ireland great corruption prevails. In some boroughs, it appears that a considerable class of voters will not vote unless they are paid; that this fact is so well known that the pure portion of the constituency, aware that the corrupt element is large enough to be able to turn the election, holds aloof altogther. Treating is also practised at municipal elections to a great extent. In some instances the bribery takes the form of payment by drink tickets instead of money; and more frequently the election is accompanied by an amount of drinking which is described as demoralizing to the town.

2. "Other corrupt practices prevail, but apparently to a minor extent. In some cases rioting takes place on the polling day, and the voters are prevented from reaching the polling-booths. There is no evidence to show that intimidation of individual voters is practised. In some cases it seems that the corrupt influences which are at work in a Municipal Election are carried on with a view of influencing the Parliamentary Elections. which, in the case of the last General Election, followed the former almost immediately, The fear of invalidating the return of a Member, on account of the illegal practices of his agent, has had the effect of turning the attention of unscrupulous partisans to the Borough Election, as safer ground on which to build up a corrupt influence among the lower classes of voters. In many cases, however, party spirit, without any ulterior object, appears sufficient to cause an extensive use of the corrupt practices above referred to.

3. "A feeling exists, though not a sufficiently strong feeling to lead to any active proceedings, that this state of things is discreditable; and the educated and respectable inhabitants would gladly see measures adopted which would put a stop to it.

4. "Under the existing law, civil proceedings may be taken in the county court against persons for corrupt practices at Municipal Elections.

5. "Such corrupt practices, however, unless committed by the person returned as a member of the council, do not invalidate the election; and there appears to be a want of a sufficient stimulus or motive to induce any one to incur the odium which would result from an attempt to put the law in operation.

6. "At any rate, it may be safely asserted that in many boroughs the existence of corrupt practices is notorious; but the cases in which proceedings under the Act have been taken are very rare, and the result of such proceedings has not been such as to encourage their more general adoption. Suggestions have been made for remedying this evil.

"1st. By the enactment of some more simple form of procedure.

"2nd. By the appointment of a public prosecutor.

"3rd. By the assimilation of the law relating to corrupt practices at a Municipal Election, and that relating to the same practices at Parliamentary Elections, and the adoption of a procedure by which a member of the council, owing his election to corrupt practices on the part of his agent, should lose his seat.

"4th. By the adoption of secret voting.

7. "With regard to the 1st, it is difficult to find any more simple or inexpensive tribunal before which such cases could be tried than the county court. The constitution of the borough bench is admitted, in many cases, not to be such as would provide an impartial tribunal. In boroughs where there is a stipendiary magistrate, the objection which have been urged against the trial of election petitions by the judges would apply with greater force to the employment of this officer in the trial of municipal petitions.

8. "As to the 2nd, the institution of a public prosecutor would be an innovation of doubtful expediency. The difficulty of obtaining evidence, on account of the unpopularity attaching to the raking up of charges made in the excitement of an election when that excitment had passed away would not be diminished by the appointment of a public prosecutor; and as the costs of a public prosecutor would fall upon the borough, the unpopularity of any party coming forward to give evidence in its support would be increased.

9. "The 3rd suggestion does not appear to be objectionable; and we see no reason why power to take proceedings in the nature of a petition against the return of a town councillor before the judge of county court should not be given; the penalties, &c. against the person proved guilty of corrupt practices now recoverable being retained.

10. "4th. There appears to be a very general concurrence of opinion that a system of secret voting would be a great improvement on the present one. It is generally admitted that nothing can be worse than the present system, which affords the very largest facilities for bribery, intimidation, tampering with voting papers, and, in short, for every conceivable corrupt practice.

11. "Whether secret voting would altogether put an end to bribery at these elections cannot be positively asserted until the experiment has been tried, but it can hardly be doubted that the uncertainty in the mind of the briber, as to the receipt of the vote for which he had paid, would exercise a powerful deterring effect upon him. The chief argument which has usually been employed against secret voting can scarcely be held to be applicable in this case. A municipal vote cannot be considered as a trust held by the voter for others. The municipal franchise is in the possession of almost all who have an interest in the prosperity of the borough, and the chief object now to be attained appears to be that the privilege should be exercised without the intervention of any improper external influence, and without exposing the voter to any unnecessary temptation to make a corrupt use of it."

"Parliamentary Elections.

"Boroughs.

12. "With regard to Parliamentary Elections in Boroughs the Committee have examined many witnesses, but have elicited no facts which had not been frequently established before Committees of the House and before the Judges who have been engaged during the present Session in the trial of Election Petitions. The returns in the Appendix to this Report show that both in former and in the last Elections various corrupt practices, of which bribery and treating were the chief, have prevailed, and to such an extent as to invalidate many Elections. It cannot be supposed that either now or formerly have the whole of such practices been brought to light, and it is therefore certain that a very considerable amount of corruption in its grossest forms has existed and now exists. It has been stated by witnesses that in some instances rioting has occurred on the nomination and polling days to such an extent as to interfere with the freedom of the Election. In a much larger class of cases it is asserted that an Election is invariably accompanied by a great

a great amount of drinking, followed by disorder, which, if not serious, is at least discreditable to the town, and most offensive to the great majority of the inhabitants.

13. "It is difficult to arrive at the truth in the matter of the allegations of intimidation of workmen by masters, of tenants by landlords, of tradesmen by customers, and of working men by each other. That such intimidation is not extensively practised in a mode capable of legal proof is evident from the rarity of cases when a return has been set aside on this ground. But that it is practised in some slightly disguised forms and in a manner difficult of proof before a legal tribunal, cannot be doubted. We have examined many witnesses who have alleged the existence in the boroughs with which they were acquainted of intimidation of each kind above described. As soon as this evidence has been published in the local papers, applications have been received that witnesses on the other side should be examined, who have denied all the changes brought against themselves, but have usually attributed precisely the same or similar practices to their opponents. It is certain, at least, that whether intimidation is extensively practised or not, the fear of it widely prevails among that class of voters who are liable to its influence. The system of canvassing which notoriously prevails in many if not most boroughs, especially in the smaller constituencies, is a system of working upon voters through private considerations, whether of interest, hope, or fear, for political purposes, and is thus a system in which undue influence in a modified form is almost invariably practised.

"COUNTIES.

14. "The Committee have had much less evidence relating to County Elections. The returns above referred to show that as compared with Borough Elections, a very small number have been called in question before Committees or the Judges. This fact proves, in the opinion of the Committee, that they have been in the main free from bribery or corrupt treating, for we know of no reason why, if the law had in these respects been habitually broken, attempts should not have been made to set aside the election by means of petitions.

15. "It is, however, alleged that intimidation and undue influence are very largely practised in county elections, and evidence from Wales and Scotland, to the effect that tenants have been actually turned out of their farms on account of their votes, has been brought before us to substantiate the allegation. It is difficult for a Committee examining witnesses, not upon oath, and without the services of any persons who act in the character of counsel for the prosecution or defence, to form an opinion worth much, on disputed matters of fact; and contradictions more or less specific, have generally been advanced against the charges which have been made. The Committee have endeavoured to investigate one or two of these cases, but they have found themselves involved in inquiries, which unduly protracted their proceedings, and did not promise to lead to any thoroughly satisfactory result. In a few instances, the allegations have not been contradicted, and although we are not in a position to assert that direct coercion by landlords is general, there can be no doubt that it does to a certain extent exist. But it is equally certain that an influence, exceeding in a greater or less degree the legitimate influence which a popular and respected landlord must always exercise in his neighbourhood, is very generally brought to bear on tenant farmers, and other dependent voters in agricultural districts. The agent frequently holds language which the landlord would shrink from using, but which the latter does not think it necessary to disown. An instance was given by Mr. Latham in his evidence, where tenants who had signed the requisition to a candidate, all voted with their landlord against that candidate; another, where no tenant on the estate would promise the same candidate a vote until they had received an assurance from their landlord that they might vote as they pleased, on receiving which they all both promised and voted for the candidate opposed to the landlord's politics. We believe that similar cases are to be found in every county; and it is, in fact, notorious that political agents or canvassers scarcely take the trouble to inquire about the politics of tenant farmers, but count them at once as so many votes on the side to which the landlord belongs. The inducement to vote with the landlord may frequently proceed rather from the hope of future advantages to be conferred than from the fear of injury to be inflicted; but of whichever character the inducement may be, we think that the influence so exercised comes under the description of undue influence, and, as such, ought, if possible, to be checked.

16. "The different political and social conditions existing in England, Scotland, and Ireland, produce some differences in the character of their elections, and of the influences at work in them, which ought to be noticed. In England and Ireland it has been already stated, that the Borough Elections, both Municipal and Parliamentary, are often extremely corrupt. In Scotland, it is stated, without contradiction, that bribery is almost unknown. This is attributed partly to the superior education of the Scotch people; partly to the fact that the constituencies being comparatively new, there exists no corrupt class, such as in many English and Irish boroughs, long familiar with the traditions of bribery, has not only preserved in itself, but spread through the whole constituency the desire for a large and corrupt expenditure.

17. " In each of the three countries it is alleged that intimidation by landlords prevails. In England the tenants either do not desire or do not dare to vote against the wishes of their landlords, and except in individual cases comply with their wishes. In Scotland the former have in many instances voted almost in a body against their landlords. This independence has been attributed partly to the nature of the relations between landlord and tenant in Scotland, which are of a more strictly commercial character than in England, partly to the fact that the Scotch tenant farmers have recently taken a very warm interest in certain questions in which they consider that their own and their landlord's interests are not identical.

18. " In Ireland, again, the influence of the landlord is by no means undisputed. It is opposed by the equally powerful influence of the Roman Catholic clergy. Organised mobs also appear to be an almost generally recognised part of the system of conducting an Irish election. The object of their employment is either to intimidate an unwilling voter, or one who is supposed to be under coercion, so as to force him to vote on the side of the popular party, or to prevent, by physical force, the voters of the opposite side from reaching the poll. To so great an extent is this system carried, that the employment of troops at elections, which in England or Scotland is almost unknown, is the ordinary rule at an Irish election. The military force in the country is disposed before a general election with a view to that event, and not only are the troops employed to preserve order at the polling places, but escorts are frequently given on the requisition of candidates or their agents, for the purpose of protecting voters coming from a distance. Notwithstanding these precautions, scenes of violence, including loss of life, are not unfrequent. Mr. Justice Keogh, in his judgment on the Drogheda Election Petition, has given a most vivid description of the events which took place on the polling day, and of the utter absence of freedom of election in that case.

19. " As might be expected, the views of this state of things taken by Irish witnesses whom the Committee have examined, were extremely divergent.

20. " One party contends that Roman Catholic tenants would frequently, from conviction, or from feelings of attachment to a good landlord, desire to record their votes on his side; that in so doing they are exposed to spiritual intimidation from the clergy, and to the risk of violence from the mobs assembled by the influence of the priests, and directed by them; that these influences entirely destroy the freedom of action of the voter, and give an excuse for some amount of pressure on the part of the landlord. The other party maintains that the influence of the priests is only for the purpose of strengthening the determination of the voters to vote according to their convictions, notwithstanding the pressure which may be brought to bear on them; that Roman Catholic voters would never willingly oppose the cause espoused by the great majority of their countrymen and by their clergy; and that often the mob intimidation—the existence of which is admitted—is desired and invited by the supposed victims as an excuse for escaping from coercion of another character.

21. " The Committee cannot doubt that there is some truth in the assertions made by both parties; but looking to the fact that the landlords and tenants generally profess different religions, and that recent elections have frequently turned much on religious questions, we can hardly doubt that the influence which is first exercised, and which provokes, if it does not justify, the counter influences set in motion, is that of landlords and their agents. However this may be, the Committee are convinced that, under the present system of conducting elections, there exists in many boroughs and counties of Ireland no such thing as freedom of election, and they consider that some change is urgently required."

" Proposed Remedies.

22. " We now come to the consideration of the remedies which have been proposed for the evils and inconveniences, the existence of which is alleged.

23. " Of these, the abolition of public nominations, the prohibition of the employment of paid canvassers, the closing of public-houses on the nomination and polling days, the multiplication of polling places, voting papers, and secret voting are the chief. The opinion seems to be very general that public nominations, as they are now generally conducted, are both useless and mischievous. The addresses which are delivered are generally inaudible on account of the noise and tumult, and disturbances frequently commence on the nomination day which continued throughout the election. There is some slight convenience in the present practice, which in the case of an uncontested election, allows the proceedings to be gone through with as little delay and trouble to all concerned as is possible, but we think that the advantage of putting an end to many serious inconveniences and evils which have their origin on these occasions, would more than compensate for any trifling inconveniences which might be incurred by the change.

24. " So far as the tranquillity and purity of elections are concerned, we can feel no doubt that the closing of public-houses on the days of nomination and polling would be an unmixed advantage. The witnesses whom we have examined have naturally looked upon the

the question almost entirely from this point of view, and we are unable to form an opinion whether the inconvenience to the public generally of such a measure would be great enough to outweigh its undoubted advantages.

25. " We think that there would be a great difficulty in framing an enactment for the purpose of abolishing the use of paid canvassers. An election can scarcely be conducted without paid agents of some kind; and we know of no definition which would satisfactorily prescribe the limits within which such an agent should confine his exertions. Nor does there appear to be any good reason why candidates, or their agents, should not be permitted to canvass the electors privately at their homes as well as publicly at meetings. It is true—as we have stated above—that personal canvassing is generally accompanied by the use of considerable undue influence; but it is against the improper means employed to influence them, and not against the mere act of endeavouring to influence the electors that the efforts of the Legislature ought to be directed.

26. " A few witnesses have recommended the system of voting-papers. Their sole recommendation appears to be that the risk of riot on the polling day would be diminished. In our opinion, they would prevent none of the other evils of the present system, while they would tend to aggravate others by the facilities which they would give for bribery, for fraud, and for certain forms of intimidation.

27. " The adoption of secret voting or, as it is usually called, the ballot, has been advocated by a large majority of the witnesses whom we have examined, and by witnesses not exclusively confined to either political party. It is recommended by some as a cure for all the evils of our electoral system, but it is admitted by others that some of them, such as bribery and treating, would be only indirectly affected by it.

28. " We have endeavoured to extend our inquiry beyond the theoretical arguments which are usually employed by the advocates and opponents of the ballot, and to ascertain how it has worked in the British Colonies, and in Foreign States where it has been adopted.

29. " With this view, we have examined witnesses from Victoria, New South Wales, South Australia, and Tasmania, and have also received evidence as to the systems in use in France, Italy, and Greece.

30. " The effect of this evidence has been to prove that where the ballot has been in operation, elections have been entirely free from intimidation, riot or disorder.

31. " It has also been proved that bribery and treating have been reduced to a minimum, that personal canvassing has been discouraged, and that the expenses of elections has been diminished.

32. " The witnesses have been carefully examined in order to discover any defects which may exist in any of the various systems of balloting, or any abuses or disadvantages which may be inherent in any system of secret voting. We have failed to discover any defects which cannot be easily remedied, or any abuses to which open voting is not equally obnoxious.

33. " It remains to be considered, whether there are any special circumstances affecting our own elections, which make it probable that the ballot would either fail to secure the advantages which it offers in other countries, or would increase any of the existing evils.

34. " The principal objections which have been advanced against the ballot as applied to our own elections are—(1.) That it will do little to restrain the practice of treating: (2.) That it will increase bribery, by making it more difficult to detect: (3.) That it will be wholly inoperative in the case of spiritual intimidation, such as that which is alleged to exist so extensively in Ireland.

35. " With regard to the 1st, we think that although the ballot might not effect much, an important check upon gross or extravagant treating might be placed by a more stringent enactment enforcing the publication of the real expenses of each candidate.

36. " As to the 2nd, it is true that in small constituencies a system of bribery, contingent upon the result of the election, might be successfully carried on; but, on the whole, we believe that the uncertainty of obtaining any return for a corrupt expenditure would tend to check bribery more than the difficulty of detection would decrease it.

37. " With regard to the 3rd objection, in the case of spiritual intimidation, we have the evidence of Roman Catholic clergymen to the effect that the confessional could not be used, directly, for the purpose of extracting from a parishioner an avowal of the way in which he had voted; and that if such knowledge was obtained by the priest, it would be impossible for him to make use of it to the disadvantage of the voter. We have also been told by witnesses, that although the Roman Catholic clergy may possess some influence, spiritual intimidation is not believed to exist among the Irish Roman Catholic voters in Australia, and that in Italy the influence of the priests on elections is supposed to be slight. If the opinion which we have expressed in the former part of this Report, as to the general state of the case in Irish elections, be correct it is probable that the Roman Catholic clergy would, under the ballot, cease to take so active a part as they now do in elections.

38. " The Committee have no reason to think that there is any special peculiarity in the character or condition of the populations by whom the ballot has been adopted which would lead us to infer that its introduction at elections in this country would be attended by results less beneficial than those which have attended it elsewhere.

39. " We have referred above to the extensive employment of troops at Irish elections. It would probably be impossible to discontinue it under the present system, but we must express our conviction that no freedom of election can exist where so large a part in the proceedings is taken by a military force. In our opinion, the ballot offers the only means which can enable the Government to put an end to the practice.

40. " On the whole, then, we believe that the ballot possesses many great advantages; that it would put an end to some of the evils of our electoral system, and that it would tend to mitigate rather than to aggravate those which it would not entirely remove.

41. " The multiplication of polling-places in counties has been recommended as a means of promoting the convenience of voters, of increasing the tranquillity and diminishing the cost of elections. We think that in combination with the ballot, and with the prohibition of the conveyance of voters by the candidate or his friends, these objects would be secured by the proposed change; but we apprehend that in combination with a system of open voting, the facilities for intimidation and undue influence would be considerably increased."

Motion made, and Question proposed, That the Draft Report proposed by the Chairman be now read a second time paragraph by paragraph—(Sir *G. Grey*).—Amendment proposed to leave out from the words " That the," to the end of the Question, in order to add the words " Chairman be requested to move the House to give the Committee leave to receive evidence as to the working of the ballot in the United States, and as to the riotous manner in which Parliamentary elections have been conducted in Ireland since the Committee sat last Session "—(Mr. *Graves*),—instead thereof.—Question put, That the words proposed to be left out stand part of the Question—put, and *agreed to*.—Main Question put, and *agreed to*.

Draft Report read a second time, paragraph by paragraph.

Paragraphs 1—3, amended, and *agreed to*.

Paragraphs 4 and 5, *postponed*.

Paragraph 6.—Amendments made.—Further consideration *postponed*.

Paragraphs 7—11, *postponed*.

Paragraph 12, amended, and *agreed to*.

Paragraph 13.—Amendments made.—Amendment proposed, at the end of the paragraph, to add the words, "especially in the smaller constituencies "—(Mr. *William Henry Smith*).— Question put, That those words be there added.—The Committee divided.

Ayes, 6.	Noes, 10.
Mr. Villiers.	Mr. Hardy.
Mr. Cross.	Mr. Hunt.
Mr. Locke.	Sir George Grey.
Mr. William Henry Smith.	Mr. Brand.
Mr. Graves.	Mr. Whitbread.
Mr. James.	Mr. Raikes.
	Mr. Leatham.
	Mr. Staveley Hill.
	Mr. Fawcett.
	Mr. Bourke.

Paragraph, as amended, *agreed to*.

Paragraph 14.—Amendment proposed, to leave out from the word " Judges," line 3, to the end of the paragraph—(Mr. *Whitbread*).—Question put, That the words " This fact proves," stand part of the paragraph.—The Committee divided.

Ayes, 8.	Noes, 8.
Mr. Hardy.	Sir George Grey.
Mr. Hunt.	Mr. Villiers.
Mr. Cross.	Mr. Brand.
Mr. Raikes.	Mr. Whitbread.
Mr. Staveley Hill.	Mr. Leatham.
Mr. William Henry Smith.	Mr. Locke.
Mr. Graves.	Mr. James.
Mr. Bourke.	Mr. Fawcett.

Whereupon, the Chairman declared himself with the Ayes.

Amendments

Amendments made.—Paragraph, as amended, *agreed to.*

Paragraph 15, considered.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 8th March 1870.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Sir George Grey.	Mr. Villiers.
Mr. Leatham.	Mr. Graves.
Mr. Hunt.	Mr. Whitbread.
Mr. Cross.	Mr. Raikes.
Mr. William Henry Smith.	Sir Frederick Heygate.
Mr. Hardy.	Mr. Locke.
Mr. Bourke.	Mr. Dalglish.
Mr. Brand.	Mr. Fawcett.
Mr. Staveley Hill.	Mr. Howes.

Paragraph 15, further considered, amended, and *agreed to.*

Paragraphs 16 and 17, amended, and *agreed to.*

Paragraph 18.—Amendments made.—Amendment proposed, after word "distance," line 12, to insert the words, "It is alleged that escorts are demanded for the purpose of compelling unwilling voters to go to the poll, and that voters under escort are frequently regarded, by the officers in command, as prisoners who are not permitted to escape, rather than as free men requiring protection in the exercise of their rights"—(Mr. *Leatham*).—Question proposed, That those words be there inserted.—Whereupon, Amendment proposed to the proposed Amendment, by leaving out from words "It is alleged that," to the end of the proposed Amendment, in order to add the words "in some cases the voters go under the charge of these escorts against their will, and consider themselves under coercion"—(Sir *George Grey*),—instead thereof.—Question put, That the words proposed to be left out stand part of the said proposed Amendment.—The Committee divided.

Ayes, 3.	Noes, 13.
Mr. Leatham.	Mr. Hardy.
Mr. Dalglish.	Mr. Hunt.
Mr. Fawcett.	Sir George Grey.
	Mr. Villiers.
	Sir Frederick Heygate.
	Mr. Brand.
	Mr. Whitbread.
	Mr. Raikes.
	Mr. Staveley Hill.
	Mr. William Henry Smith.
	Mr. Graves.
	Mr. Howes.
	Mr. Bourke.

Question, That the proposed words be added instead thereof,—put, and *agreed to.*—Question, That the proposed Amendment, as amended, be inserted in the paragraph,—put, and *agreed to.*

Another Amendment proposed after the last Amendment, to insert the words "It has been stated by a witness that the impression made by this display of military force upon the ignorant population is, that Government intimidation is combining with landlord intimidation in order to coerce the elector"—(Mr. *Leatham*).—Question put, That those words be there inserted.—The Committee divided.

Ayes 6.	Noes 10.
Mr. Villiers.	Mr. Hardy.
Mr. Brand.	Mr. Hunt.
Mr. Whitbread.	Sir George Grey.
Mr. Leatham.	Sir Frederick Heygate.
Mr. Dalglish.	Mr. Raikes.
Mr. Fawcett.	Mr. Staveley Hill.
	Mr. William Henry Smith.
	Mr. Graves.
	Mr. Howes.
	Mr. Bourke.

Paragraph, as amended, *agreed to.*

Paragraphs 19—21, amended, and *agreed to.*

Paragraph 22, *agreed to.*

Paragraph 23.—Amendments made.—Further consideration *postponed.*

Paragraph 24.—Amendments made.——Amendment proposed, after the words "point of view," line 4, to leave out the words "and we are unable to form an opinion whether," in order to insert the words "but we fear that"—(Mr. *Hardy*),—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided.

Ayes 3.	Noes 12.
Mr. Villiers.	Mr. Hardy.
Mr. Leatham.	Mr. Hunt.
Mr. Fawcett.	Sir George Grey.
	Mr. Brand.
	Mr. Cross.
	Mr. Whitbread.
	Mr. Raikes.
	Mr. Staveley Hill.
	Mr. William Henry Smith.
	Mr. Graves.
	Mr. Howes.
	Mr. Bourke.

Words inserted.—Other Amendments made.—Paragraph, as amended, *agreed to.*

[Adjourned till Friday next, at Eleven o'clock.

Friday, 11*th March* 1870.

MEMBERS PRESENT:

Marquis of HARTINGTON in the Chair.

Mr. Leatham.	Mr. Howes.
Sir George Grey.	Mr. James.
Mr. Hardy.	Mr. Raikes.
Mr. Brand.	Mr. William Henry Smith.
The O'Conor Don.	Mr. Whitbread.
Mr. Villiers.	Mr. Fawcett.
Mr. Dalglish.	Mr. Graves.
Mr. Staveley Hill.	

Paragraph 25.—Amendment proposed, to leave out the words, "think that there would be a great difficulty in framing an enactment for the purpose of abolishing," lines 1 and 2, in order to insert the words "do not think that it would be possible to prohibit absolutely the employment of paid agents for the purpose of an election; and there would be much difficulty in enforcing the prohibition of"—(Sir *George Grey*),—instead thereof.—Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived.*—Question proposed, That the proposed words be inserted instead thereof:—Whereupon Amendment proposed to the said proposed Amendment, to leave out from the words "do not" to the end of the said proposed Amendment, in order to add the words "doubt that it may be difficult absolutely to abolish paid agents and canvassers, yet we are of opinion that it is highly desirable that it should be done"—(Mr. *Fawcett*),—instead thereof.—Question put, That the words "think that it would be possible to prohibit absolutely the employment of paid agents for the purpose of an election, and there would be much difficulty in enforcing the prohibition of," be inserted in the paragraph.—The Committee divided.

Ayes, 11.	Noes, 3.
Mr. Hardy.	Mr. Villiers.
Sir George Grey.	Mr. Dalglish.
Mr. Brand.	Mr. Fawcett.
Mr. Whitbread.	
Mr. Raikes.	
Mr. Leatham.	
Mr. Staveley Hill.	
Mr. William Henry Smith.	
The O'Conor Don.	
Mr. Graves.	
Mr. Howes.	

Other

Other Amendments made.—Paragraph, as amended, *agreed to.*

Paragraph 26.—Amendment proposed, to leave out from the words "voting papers," line 1, to the end of the paragraph, in order to add the words "It appears that by their adoption the risk of riots on the polling-day would be diminished. In our opinion, while it might be found difficult to exclude all opportunities for fraud and other improper practices in their employment, there would be great advantages gained by a system which would secure the voter against mob-violence, and facilitate a fuller expression of the views of large constituencies than is usually elicited under the existing law"—(Mr. *Hardy*), —instead thereof.—Question put, That the word "Their" stand part of the paragraph.—The Committee divided.

Ayes, 8.	Noes, 6.
Sir George Grey.	Mr. Hardy.
Mr. Villiers.	Mr. Raikes.
Mr Brand.	Mr. Staveley Hill.
Mr. Whitbread.	Mr. William Henry Smith.
Mr. Leatham.	Mr. Graves.
The O'Conor Don.	Mr. Howes.
Mr. Dalglish.	
Mr. Fawcett.	

Amendments made.—Paragraph, as amended, *agreed to.*

Paragraphs 27—41, *postponed.*

Amendment proposed to insert the following new paragraph: "We are of opinion that the use of rooms in public-houses for committee-rooms for the purpose of an election is a fruitful source of expense and of corruption, and should be forbidden by law"—(Mr. *Fawcett*).—Question proposed, That this paragraph be inserted in the Draft Report:—Whereupon Amendment proposed at the end of the proposed paragraph to add the words "and we think that this prohibition should be extended to the holding of meetings in public-houses for the purpose of hearing addresses from the candidates"—(Mr. *Leatham*). —Question put, That those words be there added.—The Committee divided.

Ayes, 7.	Noes, 7.
Mr. Villiers.	Mr. Hardy.
Mr. Whitbread.	Sir George Grey.
Mr. Leatham.	Mr. Brand.
Mr. William Henry Smith.	Mr. Raikes.
The O'Conor Don.	Mr. Staveley Hill.
Mr. Dalglish.	Mr. Graves.
Mr. Fawcett.	Mr. Howes.

Whereupon the Chairman declared himself with the Noes.

Proposed paragraph inserted in the Draft Report.

Another new paragraph inserted.

Another Amendment proposed to insert the following new paragraph: "We are of opinion that it would tend to the purity of Parliamentary elections, and to the economical conducting of them, if the expenses legally incurred by the Returning Officer were borne by local rates, due precaution being taken to discourage vexatious candidature"—(Mr. *Fawcett*). —Question put, That this paragraph be inserted in the Draft Report.—The Committee divided.

Ayes, 7.	Noes, 7.
Sir George Grey.	Mr. Hardy.
Mr. Villiers.	Mr. Brand.
Mr. Whitbread.	Mr. Raikes.
Mr. Leatham.	Mr. Staveley Hill.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Dalglish.	Mr. Graves.
Mr. Fawcett.	Mr. Howes.

Whereupon the Chairman declared himself with the Noes.

Another Amendment proposed to insert the following new paragraph: "We are of opinion that the purity of elections would be promoted by a change in the law, which should compel all expenditure on the part of the candidates to be previously authorised by a person appointed for the purpose by the Returning Officer"—(Mr. *Raikes*).—Question, That this paragraph be inserted in the Draft Report,—put and *negatived.*

Another Amendment proposed to insert the following new paragraph: "We have received evidence to show that the present provision of the law which requires a return of the expenses of candidates is insufficient for its purposes, and fails in many cases to secure a

full statement of such expenses"—(Sir *George Grey*).—Question, That this paragraph be inserted in the Draft Report,—put and *agreed to.*

Another Amendment proposed after the last paragraph to insert the words, "and we think that any payment made by a candidate or his agent on account of the election, and not included in the return of his election expenses, should be declared to be a corrupt payment within the meaning of the Corrupt Practices Act"—(Mr. *Whitbread*).—Question proposed, That those words be there inserted.—Amendment proposed to leave out the word "declared," in order to insert the words, "assumed *primâ facie*"—(Mr. *Raikes*),—instead thereof.—Question put, That the word "declared" stand part of the proposed amendment.—The Committee divided.

Ayes, 9.	Noes, 2.
Sir George Grey.	Mr. Raikes.
Mr. Villiers.	Mr. Howes.
Mr. Brand.	
Mr. Whitbread.	
Mr. Leatham.	
Mr. William Henry Smith.	
Mr. Graves.	
Mr. Dalglish.	
Mr. Fawcett.	

Question, That the words "and we think that any payment made by a candidate or his agent on account of the election, and not included in the return of his election expenses, should be declared to be a corrupt payment within the meaning of the Corrupt Practices Act," be inserted in the Draft Report after the last paragraph,—put, and *agreed to.*

Postponed paragraphs 4 and 5, *disagreed to.*

Postponed paragraph 6, amended, and *agreed to.*

Postponed paragraph 7, *disagreed to.*

Postponed paragraphs 8 and 9, amended, and *agreed to.*

Postponed paragraphs 10 and 11, *disagreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 15*th March* 1870.

MEMBERS PRESENT:

Marquis of HARTINGTON, in the Chair.

Mr. Leatham.	Mr. Dalglish.
Mr. Hardy.	Mr. Graves.
Mr. Cross.	Mr. William Henry Smith.
Mr. Hunt.	Mr. Locke.
The O'Conor Don.	Mr. Raikes.
Mr. Howes.	Mr. Villiers.
Mr. Brand.	Mr. Fawcett.
Sir George Grey.	Mr. Bourke.
Mr. Whitbread.	

Postponed paragraph 27, *disagreed to.*

Amendment proposed, to insert the following new paragragh, "Much evidence has been given, by witnesses not exclusively confined to any political party, to show that the discontinuance of open voting, and the substitution for it of secret voting, or vote by ballot, would be of great advantage in Parliamentary and Municipal Elections."—Question, That this paragraph be inserted in the Draft Report—put, and *agreed to.*

Postponed paragraphs 28 and 29, *agreed to.*

Postponed paragraph 30, amended, and *agreed to.*

Postponed paragraph 31.—Amendments made.—Amendment proposed, to leave out the words, "and that the expenses of elections has been diminished," at the end of the paragraph, in order to add the words, "In Australia the necessary expenses of conducting an election are extremely small, but there is no evidence to show whether this is due to the ballot, or the fact that the necessary expenses are borne by the public"—(Mr. *Fawcett*),—instead

instead thereof.—Question put, That the words, "and that the expenses of elections has been diminished," stand part of the paragraph.—The Committee divided.

Ayes, 8.	Noes, 9.
Sir George Grey.	Mr. Hardy.
Mr. Brand.	Mr. Hunt.
Mr. Whitbread.	Mr. Villiers.
Mr. Raikes.	Mr. Cross.
Mr. Leatham.	Mr. William Henry Smith.
Mr. Locke.	Mr. Graves.
The O'Conor Don.	Mr. Howes.
Mr. Dalglish.	Mr. Fawcett.
	Mr. Bourke.

Question put, That the proposed words be there added.—The Committee divided.

Ayes, 3.	Noes, 14.
Mr. Villiers.	Mr. Hardy.
Mr. Locke.	Mr. Hunt.
Mr. Fawcett.	Sir George Grey.
	Mr. Brand.
	Mr. Cross.
	Mr. Whithead.
	Mr. Raikes.
	Mr. Leatham.
	Mr. William Henry Smith.
	The O'Conor Don.
	Mr. Graves.
	Mr. Dalglish.
	Mr. Howes.
	Mr. Bourke.

Paragraph, as amended, *agreed to.*

Postponed Paragraph 32.—Amendment proposed, to leave out the words, "The witnesses," at the beginning of the paragraph—(Mr. *Hunt*).—Question put, That those words stand part of the paragraph.—The Committee divided.

Ayes, 8.	Noes, 9.
Mr. Villiers.	Mr. Hardy.
Mr. Brand.	Mr. Hunt.
Mr. Whitbread.	Sir George Grey.
Mr. Leatham.	Mr. Cross.
Mr. Locke.	Mr. Raikes.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Dalglish.	Mr. Graves.
Mr. Fawcett.	Mr. Howes.
	Mr. Bourke.

Paragraph, as amended, *disagreed to.*

Postponed Paragraph 33.—Amendment proposed, to leave out from the word "whether," line 1, to the end of the paragraph, in order to add the words, "It is desirable that the ballot should be adopted in this country"—(Mr. *Hunt*),—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided.

Ayes, 8.	Noes, 9.
Sir George Grey.	Mr. Hardy.
Mr. Brand.	Mr. Hunt.
Mr. Whitbread.	Mr. Villiers.
Mr. Leatham.	Mr. Cross.
Mr. Locke.	Mr. Raikes.
The O'Conor Don.	Mr. William Henry Smith.
Mr. Dalglish.	Mr. Graves.
Mr. Fawcett.	Mr. Howes.
	Mr. Bourke.

Words added.—Paragraph, as amended, *agreed to.*

Postponed Paragraph 34.—Amendment proposed, to leave out from the first word, "The," to the end of the paragraph, in order to add the words, "Committee have no reason to think that the adoption of the ballot at Parliamentary and Municipal Elections in this country would be attended by results less beneficial than those which have attended it elsewhere, so far as relates to preventing riot and disorder at elections. We think, too, that although in the case of voters whose political opinions are well known and openly avowed, and who, we trust, will always compose the great majority of a constituency, the ballot is not required, and would afford no protection against intimidation, it would do so effectually in the case of the more dependent and less courageous class of voters, whose private interests too often painfully conflict with their political opinions under a system of open voting"—(Sir *George Grey*),—instead thereof.—Question, That the words "principal objections" stand part of the paragraph—put, and *agreed to.*

Amendments made.—Paragraph, as amended, *agreed to.*

Paragraphs 35 to 39, further *postponed.*

Postponed Paragraph 40.—Amendment proposed, at the beginning of the paragraph, to insert the words, "While we admit that there is force in many of these objections, we are"—(Mr. *Leatham*).—Question proposed, That those words be there inserted: whereupon Amendment proposed to the proposed Amendment, by leaving out the word "are," in order to add the words, "feel that the main one is insuperable to a system of absolutely secret voting, and that the act of voting is the performance of a public duty, and that in order to ensure its due performance, it should, like other public duties, be done in such a way as to be subject to the control of public opinion; and the evidence having failed to satisfy this Committee that the ballot would prevent treating, bribery, or personation, it would be unwise to adopt a change so much at variance with the habits of this country as permanently secret voting would be, without having first tried the other remedies suggested by witnesses examined before this Committee,"—(Mr. *Cross*)—instead thereof.—Question put, That the word "are" stand part of the proposed Amendment.—The Committee divided.

Ayes, 9.	Noes, 8.
Sir George Grey.	Mr. Hardy.
Mr. Villiers.	Mr. Hunt.
Mr. Brand.	Mr. Cross.
Mr. Whitbread.	Mr. Raikes.
Mr. Leatham.	Mr. William Henry Smith.
Mr. Locke.	Mr. Graves.
The O'Conor Don.	Mr. Howes.
Mr. Dalglish.	Mr. Bourke.
Mr. Fawcett.	

Proposed Amendment, *agreed to.*

Another Amendment proposed, after the words, "on the whole," line 1, to insert the words, "of opinion that the ballot possesses many great advantages, and that the weight of evidence leads to the conclusion that this change in the mode of voting would not only promote the tranquillity both of Municipal and Parliamentary Elections, but would also protect voters from undue influence and intimidation, and introduce into elections a greater degree of freedom and purity than is secured under the present system"—(Mr. *Leatham*);—whereupon Amendment proposed to the proposed Amendment, by leaving out the word "purity," in order to insert the words, "exception to certain forms of corruption"—(Mr. *Hunt*),—instead thereof.—Question put, That the word "purity" stand part of the proposed Amendment.

Ayes, 9.	Noes, 7.
Sir George Grey.	Mr. Hardy.
Mr. Villiers.	Mr. Hunt.
Mr. Brand.	Mr. Cross.
Mr. Whitbread.	Mr. Raikes.
Mr. Leatham.	Mr. William Henry Smith.
Mr. Locke.	Mr. Howes.
The O'Conor Don.	Mr. Bourke.
Mr. Dalglish.	
Mr. Fawcett.	

Proposed Amendment, *agreed to.*

Amendment proposed, at the end of the paragraph, to add the words, "We apprehend, however, that the ballot would fail effectually to prevent treating, and some other forms of corruption, while it might render the detection of bribery more difficult than at present"—(Mr. *Raikes*).—Question, That those words be there added,—put, and *negatived.*

Another Amendment proposed, at the end of the paragraph, to add the words, "But, with a view to remedy existing abuses, we attach much more importance to the preservation of secrecy during the election, and particularly during the polling day, than to any attempt to preserve it when the election is over"—(Mr. *Hunt*).—Question put, That those words be there added.—The Committee divided.

Ayes, 7.	Noes, 9.
Mr. Hardy.	Sir George Grey.
Mr. Hunt.	Mr. Villiers.
Mr. Cross.	Mr. Brand.
Mr. Raikes.	Mr. Whitbread.
Mr. William Henry Smith.	Mr. Leatham
Mr. Howes.	Mr. Locke.
Mr. Bourke.	The O'Conor Don.
	Mr. Dalglish.
	Mr. Fawcett.

Another Amendment proposed, at the end of the paragraph, to add the words, "But we are satisfied that the principle hitherto maintained by the supporters of open voting, that a public

public responsibility attaches to the exercise of the franchise might, without prejudice to any substantial advantages to be derived from the adoption of the ballot, be asserted by the publication of the poll, or by the deposit of the same at some public office for reference after the election"—(Mr. *Hunt*).—Question put, That those words be there added.—The Committee divided.

Ayes, 7.	Noes, 9.
Mr. Hardy.	Sir George Grey.
Mr. Hunt.	Mr. Villiers.
Mr. Cross.	Mr. Brand.
Mr. Raikes.	Mr. Whitbread.
Mr. William Henry Smith.	Mr. Leatham.
Mr. Howes.	Mr. Locke.
Mr. Bourke.	The O'Conor Don.
	Mr. Dalglish.
	Mr. Fawcett.

Amendment proposed, at the end of the paragraph to add the words, "But we think that, in case of a system of ballot being adopted, it would be desirable, in order to secure the detection of bribery, and to prevent any suspicion attaching to the officers charged with the custody of the ballot-box and to the returning officer, that means should be devised for allowing proof of the vote of any elector, in the event of the election being challenged on petition"—(Mr. *Hunt*).—Question proposed, That those words be there added.—Whereupon, Amendment proposed to the proposed Amendment, by leaving out from the word "but," to the end of the proposed Amendment, in order to add the words, "in recommending the adoption of the Ballot, we desire to express our opinion that, in order to secure the benefits we anticipate from its introduction into this country, it is necessary that the secrecy of the vote should be inviolable, except in the case of any voter who is found guilty of bribery, or whose vote, in due course of law, has been adjudged invalid"—(Mr. *Whitbread*)—instead thereof.—Question put, That the words proposed to be left out stand part of the proposed Amendment.—The Committee divided.

Ayes, 8.	Noes, 9.
Mr. Hardy.	Sir George Grey.
Mr. Hunt.	Mr. Villiers.
Mr. Cross.	Mr. Brand.
Mr. Raikes.	Mr. Whitbread.
Mr. William Henry Smith.	Mr. Leatham.
Mr. Graves.	Mr. Locke.
Mr. Howes.	The O'Conor Don.
Mr. Bourke.	Mr. Dalglish.
	Mr. Fawcett.

Words added.—Amendment, as amended, *agreed to*, and added to the paragraph.—Paragraph, as amended, *agreed to*.

Postponed paragraph 41, amended, and *agreed to*.

Postponed paragraph 23, *disagreed to*.

Postponed paragraphs 35—38, *disagreed to*.

Postponed paragraph 39, amended, and *agreed to*.

Amendment proposed, to insert following new paragraph, "The question of the abolition of the present system of nominations and declarations cannot in our opinion be treated as one; as regards declarations, it appears to us that they serve no purpose that might not as well be provided for by other means; but as regards nominations there is much to be said in favour both of the retention and discontinuance of the practice"—(Mr. *Hunt*).—Question proposed, That this paragraph be inserted in the Draft Report.—Amendment proposed to leave out from the word "but" to the end of the paragraph in order to add the words, "With respect to public nominations, as now conducted, we have abundant evidence to show that, where there is a conflict of opinion, they are generally attended by large crowds of excited and angry partisans, resulting in scenes of tumult and disorder, which prevent the free expression of opinion both of candidates and electors, and discredit our electoral system. With a view to securing tranquillity at elections, we recommend the abolition of the present system of nominations; and we do not doubt that provisions may be framed by which the electors may be duly informed as to the candidates for their suffrages, without calling together large masses, by whom the object of a nomination is often, under the existing system, interrupted and defeated"—(Mr. *Brand*)—instead thereof.—Question, That the words proposed to be left out stand part of the proposed paragraph.—The Committee divided.

Ayes, 6.	Noes, 5.
Mr. Hardy.	Mr. Brand.
Mr. Hunt.	Mr. Whitbread.
Sir George Grey.	Mr. Leatham.
Mr. Cross.	The O'Conor Don.
Mr. William Henry Smith.	Mr. Fawcett.
Mr. Howes.	

Proposed paragraph, *agreed to*, and inserted in the Draft Report.

Other new paragraphs inserted.

Amendment proposed, to insert the following new paragraph: "We must guard our recommendations by stating that there are special peculiarities in the character and condition of the populations in Australia, by whom the ballot has been adopted; *e. g.*—

"The general absence of great political questions.

"The absence of too great and sharply defined political parties.

"The absence of rich persons willing to pay any sum of money for social position.

"The absence of an uneducated class brought up familiar with traditions of bribery.

Which lead us to infer that its introduction at Parliamentary elections in this country will certainly not be attended by results so beneficial as those which are said to have attended it in Australia"—(Mr. *Cross*).—Question, That the proposed paragraph be added to the Draft Report,—put, and *negatived*.

Question, That the Report, as amended, be the Report of the Committee to the House,—put, and *agreed to*.

Ordered, To Report.

APPENDIX.

PAPER handed in by Mr. *Hunt*, 22 February 1870.

SKETCH of a Mode for taking VOTES by BALLOT, with further SUGGESTIONS.

Appendix.

I HAVE carefully read the evidence taken last year by the Committee on Parliamentary and Municipal Elections, and admirable as some of the Australian modes for taking the ballot appear to be, I venture to think they are suited to a more intelligent constituency than the majority of our agricultural voters; I therefore think that any scheme which necessitates the use of pen and ink on the part of the elector must be objectionable. It is with this idea that I have ventured to draw up the following sketch of a mode for taking votes by ballot.

In order to avoid all danger of fraud or collusion, I would suggest that the Judges of Assize should yearly appoint "Inspectors" for every county, or division of counties and boroughs, in their circuits (just as at the present time they appoint the revising barristers). I would not, however, restrict the appointment in favour of seven years' barristers, but leave it open to persons of repute and standing, with these restrictions, that no minister of religion should be appointed, and that no one should be named to a county or borough in which he was an elector, or in which he had property.

These inspectors should appoint all their deputy inspectors (that is, one for every booth the Returning Officer decided upon erecting) upon the same understanding that they themselves had been nominated.

Previous to an election, the inspector should provide himself with cards, upon one side of which should be any design he might fix upon, say his crest, with his signature lithographed (and he had better estimate the number to be required by assuming that every elector on the register would vote for the full number of candidates who are to be returned as Members).

These cards, upon the issuing of the writ at the time of election, the inspector should forward to the Returning Officer.

Previous to the election itself, the inspector and his deputies should take an oath before the Returning Officer, or his deputies, that they will not divulge to anyone in whose favour a voter records his vote (except as hereinafter is provided); also, that they would not in any way whatever attempt to bias the vote of any elector.

The Returning Officer should appoint all his deputies, poll clerks, and check clerks, who should be persons of no strong political feeling.

Great care should be taken in the construction of the polling places; for this purpose it would be desirable that plans for different sized booths should be attached to the Act; and I beg to submit a rough sketch of one at the end of this Paper.

An elector upon going up to poll should be asked his name, address, and qualification, and whether he had voted before; his answers should be recorded by the poll clerk, and a line drawn through his name on the register by the check clerk; the Returning Officer should then give the voter one, two, or three of the inspector's cards (according to the number of candidates the voter would be entitled to vote for), writing on the back of the card or cards the consecutive number of the voter, and the number that he bears on the register.

The Returning Officer should then inform the voter that, if he did not desire to vote for the whole number of candidates he was entitled to, he must destroy the extra cards, as he was in no instance to give one candidate more than one vote.

A check is also provided, *see* p. 24.

The elector should then pass the Returning Officer into (what was equivalent to) a room in which the ballot boxes should be placed, and where the inspector or one of his deputies should be, to see that the ballot boxes were in no way tampered with, and that the elector left the room immediately after he had dropped his cards into the ballot boxes.

The ballot boxes should be made from a specific pattern and measurement, according to the number of electors who by possibility could put their voting cards into the same,

Appendix.

each box might be painted any colour selected by the candidate, and should have his name legibly painted on it, and all the boxes should be so fastened down that by no possibility could they be moved; they should also be locked by the Returning Officer, who should keep the key.

In case of a blind person coming up to vote, or one so infirm that he could not walk into the room where the ballot boxes were, he should be asked by the Returning Officer (in addition to the other questions) "for whom he voted," and his voting card or cards should be given to the inspector, who, in the presence of the agent of the candidate named, should place the cards in the ballot boxes.

I would suggest that non-resident freehold electors in counties should be allowed to vote by voting papers; these papers should be for sale at all stamp offices and post offices, and should have a half-crown stamp affixed to them.

These voting papers should be filled up in the presence of a magistrate, who should countersign them.

The non-resident elector should then send his voting paper either to the Returning Officer, or to the agent of the candidate he intends to vote for. Should he send it to the Returning Officer, that official should, on the day of election, read out the elector's name, which should be entered in the poll book, and erased from the register; then, in the presence of the inspector, the voting paper should be placed by the Returning Officer in the ballot box of the candidate in whose favour it was made out. Should the elector, however, forward his voting paper to the candidate's agent, the agent should announce that he is authorised to deposit the elector's voting paper in the ballot box, and after reading over the name and address of the elector (as in the previous case), it being entered in the poll book and erased from the register, the agent should place the same in the ballot box of the candidate in whose favour it is given.

The Returning Officer and his deputies should have power to commit, on the spot, any person discovered attempting to personate a voter.

The poll being closed, the Returning Officer and his deputies should take the polling book and copy of the register, which had been entrusted to them, to a room appointed for the purpose, where the inspector and his deputies should also bring the ballot boxes. And no person, under any circumstances, should be admitted into this room but the Returning Officer or his deputy, the inspector, or his deputy, and the appointed agents of the candidates.

The poll books and copies of registers should then be sealed up and handed to the inspector, or his deputies.

The Returning Officer, or his deputy, should then open the ballot boxes one at a time, and arrange all the cards in the same according to their consecutive numbers; by this means a check is made against any elector recording more than one vote in favour of the same candidate. Entries of all duplicates, and of every irregularity which might be discovered, must be made in a book prepared for the purpose. The Returning Officer, or his deputy, should then count the cards (excluding the duplicates), together with the voting papers contained in that box, and enter the number recorded for that candidate in a book. These cards and voting papers should then immediately be packed up, and the parcel sealed by the Returning Officer or his deputy, who should write upon the outside the name of the candidate for whom they were given, and hand the parcel over to the inspector or his deputy.

The Returning Officer should then open another of the boxes, and go through the cards it contained, in a similar manner, and so with the contents of all the boxes.

The agents of all the candidates should then sign the book in which the Returning Officer, or his deputy, had made up his state of the poll.

All these various statements should be given to the Returning Officer, who should add them up; the correctness of which should again be certified by the signature of the candidates' agents.

The poll books, copies of register, voting cards, and papers which had been handed to the inspector's deputies should be taken to the inspector himself, who should at once proceed to deposit them with an officer appointed for that purpose by the Speaker of the House of Commons, who should give a receipt for them.

This officer should be required to keep these sealed packets until he receives a certificate from the Speaker that the time has expired for petitioning against the return of the Member, when he should at once cause them to be destroyed; but in case of a petition, he must produce them upon the Speaker's Warrant; and in case of a scrutiny or Commission, the inspector or his deputies may be examined upon any point that the Committee or Commissions may require information.

Having ventured to draw up the foregoing scheme for the ballot, I further venture to offer the following suggestions:—

That, in accordance with the 11th Resolution proposed by the Chairman of the Committee, and the 2nd proposed by Mr. Bright, and the 2nd paragraph of "Proposed Remedies," the present mode of nominating candidates should be done away with; and in substitution thereof, I would suggest that every candidate should be obliged to sign a declaration that he offered himself as a candidate, and pledged himself to go to the poll. This should further be signed by two responsible persons, and served upon the Returning Officer, in the case of boroughs, three clear days before the day of election, and in the case of county elections, seven clear days before the day of election, when he should at once cause the same to be published.

This

This declaration should of itself render the candidate, and the two persons signing it, responsible for that candidate's share of the Returning Officer's expenses.

Should the present public mode of nomination be done away with, and no such plan as the above substituted, the election of a candidate might be seriously injured by false reports of his resignation.

The Committee, in their "proposed remedies," suggest amongst other things the closing of public-houses on the day of election; this, after the evidence which was taken, must strike everybody as being very desirable. I would, however, for the further quiet of an election, propose that the public declaration of the poll should be made through the "London Gazette." As allusion is made in the 14th paragraph of the Committee's "proposed remedies," to the advisability of "more stringent enactments enforcing the publication of the real expenses of each candidate," I would suggest that the "Inspector" I have proposed should be the agent for the election expenses for all the candidates, and that all accounts should be sent to him within the space of two months after the publication of the state of the poll; and that all accounts not so sent in to this inspector should not be recoverable in any court of law or equity.

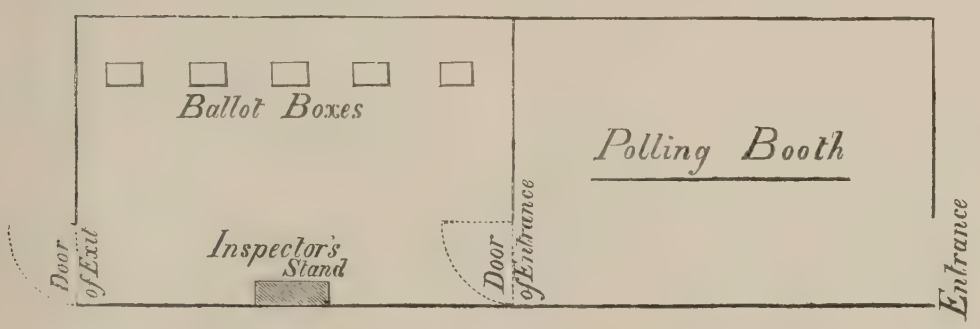
That the inspector should, within a week after the expiration of the time given in which these accounts are to be delivered, cause them to be published in a local paper; and that the time for petitioning against the return of a Member should be extended to one month after such publication of accounts.

For conducting Municipal Elections by the ballot, various necessary alterations to the foregoing readily suggest themselves.

Edward B. Savile,
30, St. George's-road, S.W.

January 1870.

SKETCH OF A POLLING PLACE.



REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY AND MUNICIPAL ELECTIONS;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

AN APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
15 *March* 1870.

115.

Under 3 *oz.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have formed certain Private Bills into Groups, and have agreed to Report the same to the House, as follows:

GROUP A.

Aberdare Gas.
Aberdare Local Board.
Bath Corporation.
Halifax Water, &c.
Ruabon Water.
Yeovil Improvement.

GROUP B.

Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Water.
Newcastle and Gateshead Water.
Oldham Corporation Water, &c.
Sheffield Water.
Skipton Water.

GROUP C.

Airedale Gas.
Buxton Gas.
King's Lynn Consumers' Gas.
King's Lynn Gas.
Shipley Gas.
Wrexham Gas.

GROUP D.

Leeds Corporation Gas, &c.
Leeds Corporation Gas (Purchase, &c.)
Leeds Gas.
Sheffield Corporation Gas (New Works).
Sheffield Corporation Gas (Purchase).

GROUP E.

Blackburn Corporation Improvement.
Hyde Local Board.
Lincoln City Commons.
Northampton Corporation Markets and Fairs.
West Hartlepool Extension and Improvement.

FIRST REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
25 *February* 1870.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made certain alterations in the Groups of Private Bills already formed, have made additional Groups, and have agreed to Report the same to the House, as follows:

GROUP B.

They have added the—

Sheffield Corporation Water.

GROUP E.

They have withdrawn the—

West Hartlepool Extension and Improvement.

GROUP F.

Liverpool Improvement, &c.
Newcastle-upon-Tyne Improvement.
Salford Borough Improvement.
Tyne Improvement.

GROUP G.

Burntisland Harbour.
Clyde Lighthouses.
Glasgow Houses of Refuge.
Greenock Harbour.
Kirkcaldy and Dysart Water.

GROUP H.

Cleckheaton Local Board.
Reading Gas.
Reading Local Board of Health.
Rotherham and Kimberworth Local Board of Health.
Rotherham Gas.

GROUP I.

Belfast Consumers' Gas.
Belfast Harbour.
Dublin Corporation Water.
Enniskillen Borough Improvement.
Limerick Markets.
Newry Water.

GROUP K.

Brighton Intercepting and Outfall Sewers.
Colne Fishery.
Exmouth Docks.

COMMITTEE OF SELECTION.

SECOND

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1870.

81—I. *Under* 1 *oz.*

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made an alteration in a Group of Private Bills already formed, have formed an additional Group, and have agreed to Report the same to the House, as follows:

GROUP K.

They have added the—

West Hartlepool Extension and Improvement.

GROUP L.

Gas Light and Coke Company.
Thames Embankment (North).
Prison Charities of London, &c.
Southwark and City Subway.

THIRD REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
5 April 1870.

81—II.

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made certain alterations in a Group of Private Bills already formed, have formed an additional Group, and have agreed to Report the same to the House, as follows:

GROUP B.

They have withdrawn the—

Newcastle and Gateshead Water.

GROUP F.

They have added the—

Newcastle and Gateshead Water.

GROUP M.

Brighton and Hove General Gas.

Littlehampton Water.

Rainhill Gas and Water.

Saint Helens Gas.

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
26 *April* 1870.

81—III.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made an alteration in a Group of Private Bills already formed, and have agreed to Report the same to the House, as follows:

GROUP M.

They have added the—

Birmingham Water.

COMMITTEE OF SELECTION.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1870.

81—IV.

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC INSTITUTIONS.

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1860;
And to be Reprinted, 18 *March* 1870.

181.
0.54 of 1870.

Jovis, 16° *die Februarii*, 1860.

Ordered, THAT a Select Committee be appointed to inquire whether it is in the power of Parliament to provide, or of this House to recommend, further Facilities for promoting the Healthful Recreation and Improvement of the People, by placing Institutions supported by general taxation within reach of the largest section of the Taxpayers, at hours, on Week Days, when, by the ordinary custom of Trade, such Persons are free from toil.

Jovis, 23° *die Februarii*, 1860.

Committee nominated of—

Sir John Trelawny.	Sir Brooke Bridges.
Mr. Eliot Yorke.	Sir Robert Peel.
Mr. William Cowper.	Mr. Du Pre.
Mr. Roupell.	Mr. Hanbury.
Mr. John Tollemache.	Lord Robert Montagu.
Mr. Gregson.	Mr. Slaney.
Mr. Sclater-Booth.	Mr. Cave.
Mr. Kinnaird.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Martis, 27° *die Martii*, 1860.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT.

THE SELECT COMMITTEE appointed to inquire whether it is in the Power of Parliament to provide, or of this House to recommend, further Facilities for promoting the HEALTHFUL RECREATION and IMPROVEMENT of the PEOPLE, by placing INSTITUTIONS supported by GENERAL TAXATION within reach of the largest Section of the TAX-PAYERS, at Hours on Week Days when, by the ordinary customs of Trade, such Persons are free from toil;——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

YOUR Committee have considered the question submitted to them under the two following aspects:

First. Whether facilities can be afforded to the people at large for visiting Public Institutions on week-day evenings, without injury to the buildings or their contents; the evenings being ordinarily the only time when they could in any numbers find leisure to do so?

Secondly. Whether, provided such facilities were afforded, they would avail themselves of them in sufficient numbers to justify the increased expenditure that would be incurred thereby?

With reference to the first point, Your Committee would submit that, from the evidence brought before them, the National Gallery, and portions of the British and other public Museums, could safely be visited in the evening, if proper precautions against fire can be taken. It has been stated in the evidence that, provided the ventilation be good, pictures and other works of art are not injured by the burning of gas. The experiment has already been tried in one instance, that of the Museum at Kensington, with the most successful results; not the slightest complaint having been made, either as to the effects of the lighting or the behaviour of the visitors.

With respect to the British Museum, the Geological Museum, and the Museum of the East India Company, Your Committee find that although many of the objects they contain could not be so well inspected by artificial light as by daylight, yet that a large portion of the collections could be seen in the evening, and would afford much interest and instruction to the people; while a desire for a more intimate knowledge of such objects would no doubt be created, and could occasionally be gratified in the day-time, on general holidays, and in the summer evenings.

Your Committee also find that clear, legible labels in English, placed against specimens, and simple catalogues sold at a small cost, as well as occasional short popular lectures, are much appreciated by the working classes, and very much tend to awaken a love for useful knowledge and natural history, as well as works of art.

With regard to the second point, Your Committee are assured, that although the Kensington Museum is, from its distance, the most difficult of access to the working classes of all the Public Institutions, yet that during the last three years, in which it has been opened for three evenings in the week, upwards of half a million of persons have visited it in the evening; and the General Superintendent stated in his evidence, that "on Monday nights the majority of visitors are certainly from among the working classes."

But from the extent of the Metropolis, even the most central institutions must necessarily be at a great distance from those districts which are peculiarly the residence of working men, and therefore to visit them would demand too great a sacrifice of time and of money to make them generally available to

the majority of the people; and yet, from the numbers even of working men and their families who have at night visited the Kensington Museum, there cannot be a doubt that, were they open in the evening, quite as many would frequent the British Museum and the National Gallery as could be safely accommodated.

Your Committee are therefore impressed with the conviction, that the same course should be followed with surplus works of art and duplicate specimens at the Museums, that has been tried with so much success in the Government Schools of Design throughout the country; namely, that there should be loans of such works of art and objects of curiosity, under proper regulations, wherever responsible parties would provide suitable premises for their exhibition. Thus, instead of our vast national collections being virtually entombed as at present, or becoming so vast as to bewilder, and yet so crowded as to be hidden, profitable recreation would be provided in the various crowded districts of the Metropolis, which would successfully compete with places of demoralising amusement.

It appears that the hours of business are still so late in some cases as to make it difficult for mechanics, artisans, and others, occupied in trade to go to any distance for purposes of recreation or instruction; yet Your Committee are glad to learn that there is a gradual and steady improvement in this respect, by the earlier closing of shops, the earlier payment of wages, and the extension of the Saturday half holiday. In any case the majority of working men leave their employments before seven in the evening; and all the meetings at Mechanics' Institutes and People's Colleges, and all classes for mutual improvement, are held in the evening. The evening seems likewise the time when the wives are mostly in the habit of going out with their husbands.

Your Committee have also received evidence of various movements among working men themselves in order to obtain access to Public Institutions in the evening. It appears that the Council of the Society of Arts has presented two memorials from Mechanics' Institutes to Her Majesty's Government, one of them signed by the representatives of 300 such institutions, praying that the National Gallery and the British Museum may be opened in the evening, in the same way as the Kensington Museum is opened. Petitions have likewise been forwarded from the largest engineering establishments in the Metropolis, signed in each case by all the mechanics belonging to them, praying that they might be allowed on Saturday evenings to visit the collection of machinery in the Kensington Museum. Moreover, Your Committee have found throughout their inquiry, that whenever lectures or interesting exhibitions have been available for working men in the evening, they have invariably been well attended.

Your Committee would therefore submit, that institutions such as the British Museum and the National Gallery should be opened on week-day evenings to the public, and that as the opportunity thus afforded of bringing the instruction and pleasure to be derived from visiting them within the reach of those who are occupied during ordinary working hours would be appreciated by them, it is desirable that they should be thus opened, under due regulations, between the hours of seven and ten in the evening, at least three days in the week. Monday and Saturday appear to be the most convenient days to the public at large.

27 *March* 1860.

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC INSTITUTIONS.

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1860;
And to be Reprinted, 18 *March* 1870.

181.
0.54 of 1870.

Under 1 *oz.*

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

THE GENERAL COMMITTEE on RAILWAY and CANAL BILLS have formed the following Bills into Groups, and have agreed to Report the same to The House :—

Group 1.

Read 2°.		
	1. East London Railway.	England.
23 Feb.	2. Great Eastern Railway (Metropolitan Railways, &c.)	Metropolitan Railway District.
22 Feb.	3. London, Blackwall, and Millwall Extension Railway.	
	4. Metropolitan Railway.	
	5. Metropolitan and St. John's Wood Railway.	
1 March	6. Metropolitan District Railway.	
	7. North Metropolitan Railway.	
	8. Tottenham and Hampstead Junction Railway.	

Group 2.

16 Feb.	1. Cobham Railway.	South East.
15 Feb.	2. International Communication.	
	3. Poole and Bournemouth Railway.	
	4. Ryde Pier Railway Extension.	
	5. Ryde Station.	
	6. Sevenoaks, Maidstone, and Tunbridge Railway.	
	7. Surbiton, Cobham, and Ripley Railway.	

Group 3.

	1. Pembroke and Tenby Railway.	South West.
18 Feb.	2. Barnstaple and Ilfracombe Railway (No. 2).	
23 Feb.	3. Bristol and North Somerset Railway.	
	4. Teign Valley Railway.	
	5. Severn Junction Railway.	Wales.
22 Feb.	6. Gloucester and Berkeley Canal.	
	7. Herefordshire and Gloucester Canal Navigation.	

Group 4.

Read 2°.

North.

28 Feb.	1. Lancashire and Yorkshire Railway.
28 Feb.	2. Lancashire and Yorkshire, and London and North Western Railway Companies (Steam Boats).
28 Feb.	3. London and North Western Railway (Additional Powers).
28 Feb.	4. London and North Western Railway (Steam Vessels).
	5. North Eastern Railway (Hawes and Melmerby, &c.)
23 Feb.	6. Preston, Longton, and Southport Railway.
	7. Preston Station.

Group 5.

Central.

15 Feb.	1. Chesterfield and Brampton Railway.
	2. Dudley, Oldbury, and Birmingham High Level Railway.
	3. East and West Junction Railway.
	4. Great Western Railway.
16 Feb.	5. London, Worcester, and South Wales Railway.
	6. Midland Counties and South Wales Railway.
23 Feb.	7. Midland Railway (Additional Powers).
23 Feb.	8. North Staffordshire Railway.
	9. Wolverhampton and Walsall Railway.

Group 6.

East.

	1. Fulham, Hammersmith, and City Railway.
23 Feb.	2. Great Eastern Railway (General Powers).
	3. Great Northern Railway.
18 Feb.	4. Hounslow and North London Railway.
	5. Newport Pagnell Railway.

Group 7.

Scotland.

21 Feb.	1. North British and Edinburgh and Bathgate Railway Companies.
21 Feb.	2. North British Railway (Tay Bridge).
21 Feb.	3. North British Railway (General Powers).
15 Feb.	4. Clyde Navigation.
18 Feb.	5. Penicuick Railway.
21 Feb.	6. Caledonian Railway (Additional Powers).
	7. Caledonian and Glasgow and South Western Railway Companies.
21 Feb.	8. Caledonian Railway (Tay Ferries and Land at Dundee).

Group 8.

Ireland.

1. Dublin Trunk Connecting Railway.
2. Dublin, Wicklow, and Wexford Railway.
3. Great Northern and Western (of Ireland) Railway (Running Powers, &c.)
4. Great Northern and Western (of Ireland) Railway (Westport Quay Line).

Group 9.

Read 2°

1. East London Tramways. — Metropolis.
2. London Street Tramways.
3. Metropolitan Street Tramways.
4. North London Tramways.
5. North Metropolitan Tramways.
6. Pimlico, Peckham, and Greenwich Street Tramways (Extensions, &c.)
7. Pimlico, Peckham, and Greenwich Street Tramways (Various Powers).

Group 10.

1. Leeds Tramways. — Leeds.
2. Leeds Street Tramways.
3. Liverpool Street Tramways. — Liverpool.
4. Liverpool Tramways.
5. Wallasey Tramways.
6. Manchester and Salford and District Tramways (No. 1). — Manchester.
7. Manchester and Salford and District Tramways (No. 2).
8. Manchester Street Tramways.
9. Manchester Tramways.

Group 11.

1. Birmingham and Staffordshire Tramways. — Central.
2. Birmingham Street Tramways.
3. Birmingham Tramways
4. Ellesmere and Glyn Valley Railway.
5. Worcester Railways and Tramways.
6. Plymouth, Stonehouse, and Devonport Street Tramways. — South.
7. Portsmouth Street Tramways.

Group 12.

1. Glasgow Street Tramways. — Scotland.
2. Glasgow Tramways.

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3. Dublin (City) and Suburban Tramways and Railways. — Ireland.

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1870.

87. ←

Under 1 *oz.*

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House, as follows :—

Group 1.

They have added the—
Pimlico, Peckham, and Greenwich Street Tramways (Various Powers) Bill.

Group 5.

They have added the—
Worcester Railways and Tramways Bill.

Group 9.

They have withdrawn the—
Pimlico, Peckham, and Greenwich Street Tramways (Various Powers) Bill.

Group 11.

They have withdrawn the—
Worcester Railways and Tramways Bill.

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1870.

87—I.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House, as follows :—

Group 7.

They have withdrawn the—

Caledonian and Glasgow and South Western Railway Companies Bill.

Group 8.

They have added the—

Caledonian and Glasgow and South Western Railway Companies Bill.

THIRD REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
1 *April* 1870.

87—II.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House, as follows :—

Group 10.

They have withdrawn the—

Liverpool Tramways Bill.

Group 11.

They have added the—

Liverpool Tramways Bill.

FOURTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
31 *May* 1870.

87—III.

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into a Group, and have agreed to Report the same to The House :—

Group 13.

Read 2°.	
4 April.	Newry and Armagh Railway (Arbitration) [*Lords*].
10 June.	South Eastern Railway [*Lords*].
	Halesowen and Bromsgrove Branch Railways [*Lords*].

FIFTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1870.

87—IV.

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House, as follows :—

Group 9.

They have added the—

Liverpool Street Tramways Bill.

Group 10.

They have withdrawn the—

Liverpool Street Tramways Bill.

SIXTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
16 *June* 1870.

87—V.

SEVENTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have made certain alterations in the Groups already formed, and have agreed to Report the same to The House, as follows :—

Group 12.

They have withdrawn the—

Glasgow Street Tramways.

Glasgow Tramways.

Group 13.

They have added the—

Glasgow Street Tramways.

Glasgow Tramways.

SEVENTH REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
23 *June* 1870.

87—VI.

REPORT

FROM THE

SELECT COMMITTEE

ON

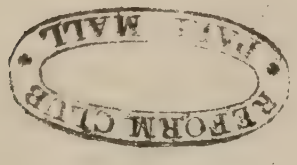
REGISTRATION OF VOTERS IN COUNTIES (ENGLAND AND WALES);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.



Ordered, by The House of Commons, *to be Printed,*
18 *July* 1870.

Thursday, 17th March 1870.

Ordered, THAT a Select Committee be appointed to inquire into the Laws affecting the Registration of Parliamentary Voters in Counties in England and Wales.

Monday, 28th March 1870.

Committee nominated.

Mr. Knatchbull-Hugessen.	Mr. Dodds.
Mr. Henniker-Major.	Mr. Wynn.
Mr. Richards.	Mr. Andrew Johnston.
Mr. Winn.	Mr. Algernon Egerton.
Mr. Pease.	Mr. Wentworth Beaumont.
Lord Claud John Hamilton.	Mr. Cross.
Sir Edward Colebrooke.	Mr. Henry Robert Brand.
Mr. Raikes.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT the Report of the Select Committee appointed in 1864 to inquire into the Laws affecting the Registration of County Voters in England and Wales, be referred to the Committee.

Monday, 4th April 1870.

Ordered, THAT the Registration of Voters Bill of the present Session be referred to the Select Committee on Registration of County Voters (England and Wales).

Monday, 2nd May 1870.

Ordered, THAT Mr. Henniker-Major be discharged from further attendance on the Select Committee, and that Mr. Clare Read be added thereto.

Thursday, 12th May 1870.

Ordered, THAT Mr. Winn be discharged from further attendance on the Select Committee, and that Mr. Pell be added thereto.

Friday, 13th May 1870.

Ordered, THAT Mr. Pease be discharged from further attendance on the Select Committee, and that Sir Harcourt Johnstone be added thereto.

Monday, 18th July 1870.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. vii
MINUTES OF EVIDENCE - - - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - - p. 138

REPORT.

THE SELECT COMMITTEE appointed to inquire into the LAWS affecting the REGISTRATION of PARLIAMENTARY VOTERS in COUNTIES in *England* and *Wales*;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

1. YOUR COMMITTEE have examined persons conversant with the law relating to the Registration of County Voters in England and Wales, and have principally directed their attention to the following points:—

1. Whether, under the present system, duly qualified persons have proper facilities for obtaining the insertion of their names upon the register?

2. Whether the checks which exist upon the registration of unqualified persons are sufficient?

3. Whether the establishment of a general self-acting system of county registration is possible, and would be attended with satisfactory results?

The process by which names are placed upon the register under the present system is two-fold.

1. Rated occupiers become registered, or should become registered, without any trouble upon their part, by the action of the overseers in their respective parishes.

2. Owners of property and others than rated occupiers are registered upon sending in their claims, provided that no objection to such claims is made and sustained.

2. Upon such a state of the law the first question which naturally arises is whether it would be possible to assimilate the law with respect to the two classes, and to establish a system which should obviate the necessity of making claims, and enable owners as well as occupiers to be registered by the action of the overseers. One great difficulty stands in the way of such an alteration of the existing law. The present system of rating renders necessary on the part of the overseers a knowledge of the occupiers of lands and tenements within their respective parishes, because from these occupiers the rates have to be collected. But inasmuch as no rate is collected from owners of property as such, the overseers have no object in ascertaining the correctness of the owners' column in the rate-book, which is in consequence, as a general rule, extremely inaccurate. Unless, therefore, some such system of division of rates between owners and occupiers were established as would necessitate the accuracy of the owners' column in the rate-book, it would be next to impossible for the overseers to acquire sufficient knowledge of the owners to enable them to perform the same duties with respect to registering this class as they now perform with respect to the occupiers. Your Committee would further observe that, even in the event of such a division of rates as that to which allusion has been made, the varied franchises which exist in English counties would still necessitate the making of claims by persons whose names would not appear upon the rate-book, and must therefore come upon the register by some process independent of the overseers. Upon the whole, in

Baxter 30, 31, 33. 177. Parrott 2137.

Roberts 519. Pilcher 993. Blaine 1508.

Roberts 577. Bontems 1045-6. Freeman 1566-8-70. Edge 1977. Colebrooke 2919.

therefore, your Committee are of opinion that, so far as concerns these persons at least, the system of making claims is one that must continue to exist, even in the event of any such alteration in the law of rating as would enable the overseers to place the large majority of owners upon the registration lists, in the same manner as that in which they now place the names of occupiers.

Baxter 8.26. Roberts 509-681. Bontems 1032. Hurrell 1331. Blaine 1497-8. Freeman 1556. Edge 1976. Parrott, 2120. Udall 2297. Trevor 2464. Cave 2875.

Baxter 96. Pilcher 929. Pilcher 960. Blaine 1501. Freeman 1560. Edge 1968. Udall 2344.

Baxter 366. Roberts 570. Pilcher 884. 928–9. Bontems 1016. 1033. 1277. Freeman 1775–81. Edge 1967. Parrott 2121-8-9-30. 2187. Udall 2298. 2304. Trevor 2475. Cave 2657-61.

Bontems 1034. Freeman 1711. Trevor 2621.

Pilcher 882. Freeman 1589-90. Edge 1965. Parrott 2131. Udall 2308. Trevor 2469.

3. Much evidence has been given as to the competence of the parochial overseers to discharge the registration duties attached to their office, and it has been generally stated that such duties have been better performed in localities in which paid assistant overseers have been appointed; if the appointment of such officers should, under any new system of valuation and rating, be made general and compulsory, your Committee are of opinion that their performance of certain duties connected with registration would be attended with great public advantage. If such officers were appointed, they might, with the assistance of the overseers, from whom local information would be obtained, prepare the lists for and attend the revising barristers' courts as public registration officers. It has been suggested, that even under such an arrangement, a supervision over those officers themselves might be exercised by the clerks to the Boards of Guardians; but it appears to your Committee that such supervision would be unnecessary, and that the supervision of the revising barrister would be sufficient.

Roberts 567. Blaine 1506.

Freeman 1565. Roberts 522. 535. Bontems 1042. Freeman 1587. Trevor 2428. Cave 2787.

4. Much inconvenience is caused at present by the number and complication of the lists which have to be made out by the overseers for the revising barrister, and the necessity of making out a separate list of the property voters and the voters in respect of occupation. Your Committee see no reason why one alphabetical register of all the voters in each parish should not be sufficient, the nature of each qualification being stated, in a separate column, opposite the name of the voter. A second list would also be necessary in each year, showing the number of new claimants, or of persons whom the overseer knew to have become entitled to vote during the year, and opposite the names of any such persons to whom objections had been made, the word "objected" should be written by the overseer. And in the case of all objections, whether by overseers or persons acting independently, your Committee are of opinion that the grounds of objection should be stated, and notice given by the objector to the person objected to.

Roberts 724. Hurrell 1423. Udall 2342.

Hurrell 1339.

5. When a claim is made under the present system, the overseers are bound to insert the name of the person claiming upon the list of claimants, and although by the provisions of the 6 & 7 Vict. c. 18, s. 5, the overseers are bound to add the word "objected" before the name of any such person, "if they shall have reasonable cause to believe" that he is not entitled to have his name placed upon the register, it does not appear that this duty is performed with any certainty or regularity. Inasmuch as the revising barrister cannot refuse to place upon the register the name of any person to whom no objection has been made, it follows that unqualified persons can and do come upon the register with undue facility, and that considerable inaccuracy sometimes prevails in county registers. This evil would prevail to a much larger extent but for the existence in many counties of party registration societies, by whose action the register is purified, and a check placed upon unqualified claimants. As a remedy for this evil, it has sometimes been suggested that every person claiming a vote for the first time should be required to furnish some proof of his qualification, without which the name should not be registered, although no objection should have been made.

Cave 2755.

Bontems 1254. Hurrell 1341. Blaine 1540. Udall 2281. Cave 2697.

Baxter 9, 10. Roberts 556-9. Bontems 1015. Hurrell 1391. Blaine 1542. Freeman 1581. 1867–9. Edge 1980–2018.

Roberts 762. Hurrell 1342. Udall 2359. Cave 2845. Colebrooke 2930.

Parrott 2157.

Roberts 555–702. 720. 758. Pilcher 890. Bontems 1018–52. 1184. Hurrell 1344. Freeman 1614–54. Edge 1977–81.

Baxter 9–11. Freeman 1657. Parrott 2168. 2217. Udall 2250. Trevor 2453–2530. Cave 2700. 2754.

To this it is objected that in many cases great inconvenience would be caused to *bonâ fide* claimants, especially those of the operative class; that a right having been conferred by law, the *onus probandi* should be cast upon the person objecting rather than upon the person claiming to exercise such right; that if no objection has been made, it is fair to presume that the claim is valid; and that the practical effect of such an alteration in the law would be to prevent the sending in of claims, and to keep many duly qualified persons off the register. Whilst alive to the inconvenience of the present system, your Committee are, upon the whole, of opinion that, in the existing state of the law, the weight of the above reasons is sufficient to prevent their recommendation of any such change as that which has been proposed.

6. On

6. On the other hand, so long as proof of a qualification can only be required after an objection has been made, your Committee would be unwilling to cast unnecessary obstacles in the way of objectors whose action tends to the purifying of the register; they would therefore not be prepared to render the law as regards costs more stringent or severe. It has been the rule with many revising barristers, not to award costs in any case where a person is claiming for the first time; this rule appears to be founded upon no sound principle, inasmuch as an objection may in such a case be as frivolous and vexatious as in the case of a person already on the register. In each individual case, the revising barrister should exercise his judgment upon the facts before him; and your Committee are of opinion that the general question of costs may be safely left (so far as is the case at present) to the discretion of revising barristers.

Baxter 13, 14. Baxter 140. Roberts 758. Bontems 1182. Hurrell 1356. Edge 1991. 2053-90. Pilcher 890. Udall 2270. Trevor 2527. Cave 2663. 2680. Roberts 543. 630. Hurrell 1362. Blaine 1518. Freeman 1656. 1813. Parrott 2150. Trevor 2594. Cave 2711.

7. The powers of amendment and alteration (as also in certain other respects) at present possessed by revising barristers are clearly insufficient. Your Committee believe that these powers might be safely enlarged so as to permit a revising barrister to amend any error which, in his opinion, is not calculated substantially to mislead the objector, and also to amend any error in a notice of objection which, in his opinion, will not unduly prejudice the claimant.

Baxter 241. Roberts 561-2. 582. Bontems 1055. Hurrell 1379. 1451. Blaine 1510. Freeman 1610. Edge 1982. Udall 2240-1-88. Trevor 2462. 2563. Cave 2670-1. Hurrell 2898.

8. Your Committee also think that the revising barrister should have power to strike out duplicate entries from the register, which increase the expense of printing, and are the cause of much practical inconvenience at elections. These duplicates might be ascertained with but little difficulty by comparison of the different overseers' lists, more especially if the lists of each polling district were made out by a competent officer, such as an assistant overseer. However, it appears desirable that duplicates should be allowed to the extent of any voter who has more than one qualification appearing twice on the register. And your Committee would suggest that names which appear more than once on the register should be distinguished by one and the same number, to which an asterisk should be attached.

Roberts 669-71. Pilcher 876-7. Bontems 1039-40. 1181 Hurrell 1374-5. 1456. Blaine 1530. Freeman 1630. Parrott 2134. Trevor 2598. Cave 2729. Bontems 1264. Freeman 1716-17.

8*a*. Your Committee are of opinion that wilfully voting in respect of a qualification which no longer belongs to the voter should be constituted an offence punishable by summary conviction before two magistrates.

9. There are various other points upon which your Committee are of opinion that amendments of the existing law would be desirable. It has been already suggested that the number of lists at present made out by the overseers is unnecessarily large. The new list of 12 *l.* voters, annually made out, includes all persons on whom a right to vote for a county in respect of property is conferred by the Registration Act of 1867. It consequently happens that all, or nearly all, the 50 *l.* occupiers are included in the 12 *l.* list, and included only to be erased. As the repeal of so much of the 20th section of 2 Will. 4, c. 45, as confers the right of voting upon tenants at a yearly rent of not less than 50 *l.* would disqualify certain persons who now come upon the register under its provisions, but who are not rated to the poor, your Committee cannot recommend this apparently obvious solution of the difficulty; but they would suggest that the 12 *l.* list should be confined to persons not already on the register, and that the overseer should not be required annually to make out a new list, but merely to correct the existing list by adding thereto the names of persons who have acquired their right to vote since the preparation of the former list, and omitting those who have ceased to hold the necessary qualification. The appeal from decisions upon points of law in a revising barrister's court should be given as a right, instead of being left to the discretion of the revising barrister, some security against frivolous appeals being obtained by making it necessary that the appellant should deposit a small sum on giving notice of such appeal.

Trevor 2510. Udall 2253. Trevor 2507.

10. The existing law contains no provision for the withdrawal of objections. It is evident that power of withdrawal should exist, upon due notice to the voter objected to being given by the objector, and your Committee recommend that this alteration should form part of any amendment of the existing law.

Freeman 1625. Cave 2694. 2707.

Udall 2290. Cave 2765.

11. It is at present the practice for the judges of assize to appoint the revising barristers in the summer circuit. Their appointment in the spring circuit appears more desirable, so that there may be a definite authority to apply to during the months immediately preceding the revision of the lists.

12. Your Committee are of opinion that revising barristers should be of not less than five years' standing instead of three, as at present.

13. That in order to secure greater uniformity of action, a controlling authority over the body of revising barristers be given to the Court of Common Pleas, by whom rules for their guidance should be framed.

14. Your Committee are also of opinion that the present optional provision for transferring voters resident in the county to poll at the polling district of their residence, should be made compulsory; and that every voter resident in the county whose place of abode shall not be within the polling district of his qualification, should be transferred by the revising barrister to vote at the polling district of his abode.

15. Your Committee are of opinion that the barrister appointed to revise the lists should hold a revision court at each polling-place, unless the justices in quarter sessions should otherwise direct.

18 July 1870.

PROCEEDINGS OF THE COMMITTEE.

Friday, 1*st April* 1870.

MEMBERS PRESENT:

Mr. Knatchbull-Hugessen.	Mr. Beaumont.
Mr. Brand.	Mr. Dodds.
Mr. Egerton.	Mr. Henniker-Major.
Mr. Winn.	Mr. Johnston.
Mr. Pease.	Mr. Richards.
Mr. Raikes.	

Mr. KNATCHBULL-HUGESSEN was called to the Chair.

The Committee deliberated.

[Adjourned till Friday, 6th May, at Twelve o'clock.

Friday, 6*th May* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Sir Edward Colebrooke.
Mr. Read.	Mr. Egerton.
Mr. Dodds.	Mr. Johnston.
Lord Claud John Hamilton.	Mr. Raikes.
Mr. Wynn.	Mr. Richards.

Mr. *Robert Dudley Baxter* examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 13*th May* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Cross.
Mr. Richards.	Lord Claud John Hamilton.
Mr. Johnston.	Mr. Raikes.
Mr. Dodds.	Sir Edward Colebrooke.
Mr. Read.	Mr. Egerton.
Mr. Wynn.	

Mr. *Thomas N. Roberts* and Mr. *James William Pilcher* were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 20*th May* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Wynn.
Mr. Johnston.	Mr. Dodds.
Mr. Richards.	Sir Edward Colebrooke.
Sir Harcourt Johnstone.	Mr. Pell.
Mr. Read.	Mr. Beaumont.

Mr. *John Francis Bontems*, Mr. *John Hurrell*, and Mr. *Delabere R. Blaine*, were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 27*th May* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Cross.
Mr. Johnston.	Mr. Raikes.
Sir Harcourt Johnstone.	Lord Claud J. Hamilton.
Mr. Dodds.	Mr. Wynn.
Mr. Pell.	Sir Edward Colebrooke.

Mr. *John Freeman* and Mr. *J. Broughton Edge* were severally examined.

[Adjourned till Tuesday, June 14th, at Twelve o'clock.

Tuesday, 14*th June* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Cross.
Mr. Richards.	Mr. Pell.
Mr. Johnston.	Mr. Read.
Sir Harcourt Johnstone.	Lord Claud J. Hamilton.
Mr. Egerton.	Mr. Beaumont.

Mr. *Joseph Parrott* and Mr. *Henry Udall* were severally examined.

[Adjourned till Friday next, at One o'clock.

Friday, 17*th June* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Read.
Mr. Richards.	Mr. Egerton.
Mr. Johnston.	Mr. Pell.
Sir Harcourt Johnstone.	Mr. Cross.
Mr. Dodds.	Mr. Wynn.
Sir Edward Colebrooke.	Mr. Beaumont.

Mr. *Thomas Tudor Trevor* and Mr. *Lewis William Cave* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 21*st June* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Wynn.
Mr. Richards.	Lord Claud John Hamilton.
Mr. Johnston.	Mr. Egerton.
Sir Harcourt Johnstone.	Mr. Pell.
Sir Edward Colebrooke.	Mr. Cross.
Mr. Dodds.	Mr. Raikes.
Mr. Read.	

Mr. *John Hurrell* further examined.

Sir *Edward Colebrooke*, a member of the Committee, examined.

The Committee deliberated.

[Adjourned till Tuesday, 5th July, at Twelve o'clock.

Tuesday, 5*th July*, 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN in the Chair.

Mr. Brand.	Mr. Wynn.
Mr. Read.	Mr. Richards.
Sir Edward Colebrooke.	Lord Claud John Hamilton.
Mr. Pell.	Mr. Dodds.
Sir Harcourt Johnstone.	Mr. Beaumont.
Mr. Cross.	Mr. Egerton.
Mr. Johnston.	

DRAFT REPORT proposed by the Chairman, read the first time, as follows:

"1. Your Committee have examined persons conversant with the law relating to the registration of county voters in England and Wales, and have principally directed their attention to the following points:—

"1. Whether, under the present system, duly qualified persons have proper facilities for obtaining the insertion of their names upon the register?

"2. Whether the checks which exist upon the registration of unqualified persons are sufficient?

"3. Whether the establishment of a general self-acting system of county registration is possible, and would be attended with satisfactory results?

"The process by which names are placed upon the register under the present system is twofold.

"1. Rated occupiers are registered, or are supposed to be registered without any trouble upon their part, by the action of the overseers in their respective parishes.

"2. Owners of property and others than rated occupiers are registered, upon sending in their claims, provided that no objection to such claims is made and sustained. Upon such a state of the law the first question which naturally arises is, whether it would be possible to assimilate the law with respect to the two classes, and to establish a system which should obviate the necessity of making claims, and enable owners as well as occupiers, to be registered by the action of the overseers.

"2. One great difficulty stands in the way of such an alteration of the existing law. The present system of rating renders necessary on the part of the overseers a knowledge of the occupiers of lands and tenements within their respective parishes, because from these occupiers the rates have to be collected. But, inasmuch as no rate is collected from owners of property as such, the overseers have no object in ascertaining the correctness of the owners' column in the rate book, which is in consequence, as a general rule, extremely inaccurate. Unless, therefore, some such system of division of rates between owners and occupiers were established as would necessitate the accuracy of the owners' column in the rate book, it would be next to impossible for the overseers to acquire sufficient knowledge of the owners to enable them to perform the same duties with respect to registering this class as they now perform with respect to the occupiers. Your Committee would further observe that, even in the event of such a division of rates as that to which allusion has been made, the varied franchises which exist in English counties would still necessitate the making of claims by many persons whose names would not appear upon the rate book, and must therefore come upon the register by some process independent of the overseers. Upon the whole, therefore, your Committee are of opinion that, so far as concerns these persons at least, the system of making claims is one that must continue to exist, even in the event of any such alteration in the law of rating as would enable the overseers to place the large majority of owners upon the registration lists, in the same manner as that in which they now place the names of occupiers.

Baxter, 30, 31. 33. 177. Parrott, 2137.

Roberts, 519. Pilcher, 993. Blaine, 1508.

Roberts, 577. Bontems, 1045-6. Freeman, 1566-8-70. Edge, 1977. Colebrooke, 2919.

"3. Much evidence has been given as to the competence of the parochial overseers to discharge the registration duties attached to their office, and it has been generally stated that such duties have been better performed in localities in which paid assistant overseers have been appointed; if the appointment of such officers should, under any new system of valuation and rating, be made general and compulsory, your Committee are of opinion that their performance of certain duties connected with registration would be attended with great public advantage. If such officers were appointed for each union, with the assistance of the parochial overseers, from whom local information would be obtained, they might prepare the lists for the revising barristers' courts, and attend the said courts as official registration agents. It has been suggested, that even under such an arrangement, a supervision over those officers themselves might be exercised by the clerks to the boards of guardians; but it appears to your Committee that such supervision would be unnecessary, and that the supervision of the revising barrister would be sufficient.

Baxter, 8. 26. Roberts, 509–681. Bontems, 1032. Hurrell, 1331. Blaine, 1497–8. Freeman, 1556. Edge, 1976. Parrott, 2120. Udall, 2297. Trevor, 2464. Cave, 2875. Baxter, 96. Pilcher, 929. Pilcher, 960. Blaine, 1501. Freeman, 1560. Edge, 1968. Udall, 2344. Baxter, 366. Roberts, 570. Pilcher, 884. 928–9. Bontems, 1016. 1033. 1277. Freeman, 1775–81. Edge, 1967. Parrott, 2121–8–9–30. 2187. Udall, 2298. 2304. Trevor, 2475. Cave, 2657–61. Bontems, 1034. Freeman, 1711. Trevor, 2621. Pilcher, 882. Freeman, 1589–90. Edge, 1965. Parrott, 2131. Udall, 2308. Trevor, 2469.

"4. Much inconvenience is caused at present by the number and complication of the lists which have to be made out by the overseers, and the necessity of making out a separate list of the property voters and the voters in respect of rating qualifications. Your Committee see no reason why one alphabetical register of all the voters in each parish should not be sufficient, the nature of each qualification being stated, in a separate column, opposite the name of the voter. A second list would also be necessary in each year, showing the number of new claimants, or of persons whom the overseer knew to have become entitled to vote during the year, and opposite the names of any such persons to whom objections had been made, the word 'objected' should be written by the overseer. And in the case of all objections, whether by overseers or persons acting independently, your Committee are of opinion that the grounds of objection should be stated, and notice given to the person objected to.

Roberts, 567. Blaine, 1506. Freeman, 1565. Roberts, 522. 535. Bontems, 1042. Freeman, 1587. Trevor, 2428. Cave, 2787.

Roberts, 724. Hurrell, 1423. Udall, 2342.

"5. When a claim is made under the present system, the overseers are bound to insert the name of the person claiming upon the list of claimants, and although by the provisions of the 6 & 7 Vict. c. 18, s. 5, the overseers are bound to add the word 'objected' before the name of any such person, 'if they shall have reasonable cause to believe' that he is not entitled to have his name placed upon the register, it does not appear that this duty is performed with any certainty or regularity. Inasmuch as the revising barrister cannot refuse to place upon the register the name of any person to whom no objection has been made, it follows that unqualified persons can and do come upon the register with undue facility, and that considerable inaccuracy sometimes prevails in county registers.

Hurrell, 1339.

Cave, 2755.

Bontems, 1254. Hurrell, 1341. Blaine, 1540. Udall, 2281. Cave, 2697.

Baxter, 9, 10. Roberts, 556–9. Bontems, 1015. Hurrell, 1391. Blaine, 1542. Freeman, 1581. 1867–9. Edge, 1980–2018.

This

This evil would prevail to a much larger extent but for the existence in many counties of political registration societies, by whose action the register is purified, and a check placed upon unqualified claimants, against whose registration sufficient safeguards do not appear to exist under the ordinary arrangements of the existing law. As a remedy for this evil, it has sometimes been suggested that every person claiming a vote for the first time should be required to furnish some proof of his qualification, without which the name should not be registered, although no objection should have been made.

Roberts, 762. Hurrell, 1342. Udall, 2359. Cave, 2845. Colebrooke, 2930. Parrott, 2157. Roberts, 555–702. 720. 758. Pilcher, 890. Bontems, 1018–52. 1184. Hurrell, 1344. Freeman, 1614–54. Edge, 1977–81.

"To this it is objected that in many cases great inconvenience would be caused to *bonâ fide* claimants, especially those of the operative class; that a right having been conferred by law, the *onus probandi* should be cast upon the person objecting rather than upon the person claiming to exercise such right; that if no objection has been made, it is fair to presume that the claim is valid; and that the practical effect of such an alteration in the law would be to prevent the sending in of claims, and to keep many duly qualified persons off the register. Whilst alive to the inconvenience of the present system, your Committee are, upon the whole, of opinion that the weight of the above reasons is sufficient to prevent their recommendation of any such change as that which has been proposed.

Baxter, 9–11. Freeman, 1657. Parrott, 2168. 2217. Udall, 2250. Trevor, 2453–2530. Cave, 2700. 2754.

"6. On the other hand, so long as proof of a qualification can only be required after an objection has been made, your Committee would be unwilling to cast unnecessary obstacles in the way of objectors whose action must tend to the purifying of the register; they would therefore not be prepared to render the law as regards costs more stringent or severe. It has been the rule with many revising barristers, not to award costs in any case where a person is claiming for the first time; this rule appears to be founded upon no sound principle, inasmuch as an objection may in such a case be as frivolous and vexatious as in the case of a person already on the register. In each individual case, the revising barrister should exercise his judgment upon the facts before him; and your Committee are of opinion that the general question of costs may be safely left (so far as is the case at present) to the discretion of revising barristers.

Baxter, 13, 14.

Baxter, 140.

Roberts, 758. Bontems, 1182. Hurrell, 1356. Edge, 1991. 2053–90. Pilcher, 890. Udall, 2270. Trevor, 2527. Cave, 2663. 2680. Roberts, 543. 630. Hurrell, 1362. Blaine, 1518. Freeman, 1656. 1813. Parrott, 2150. Trevor, 2594. Cave, 2711.

"7. The powers of amendment and alteration (as also in certain other respects) at present possessed by revising barristers are clearly insufficient. Your Committee believe that these powers might be safely enlarged so as to permit revising barristers to make any amendment or alteration in the address, description, or qualification of a claimant, so that no new qualification should be inserted other than one which may relate to the same land or premises in respect of which the qualification is claimed.

Baxter, 241. Roberts, 561–2. 582. Bontems, 1055. Hurrell, 1379. 1451. Blaine, 1510. Freeman, 1610. Edge, 1982. Udall, 2240–1–88. Trevor, 2462. 2563. Cave, 2670–1. Hurrell, 2898.

"8. Your Committee also think that the revising barrister should have power to strike out duplicate entries from the register, which increase the expense of printing, and are the cause of much practical inconvenience at elections. These duplicates might be ascertained with but little difficulty by comparison of the different overseers' lists, more especially if the lists of each polling district passed through the hands of a competent officer, such as an assistant overseer. It has been suggested that a person having several qualifications should be allowed to retain his name upon the register for two such qualifications, in order that he might not lose his vote by the sale of the one particular property for which he might be registered. It appears, however, to your Committee, that the simpler plan would be to insert a clause in any new Registration Act by which it should be provided that any person having more than one qualification in a county, and selling the particular qualification for which he might be registered, should not be liable to any penalty for voting upon that qualification, nor should his vote so given be deemed a bad vote for the space of one year from the time of such sale. By this means any such person would have an opportunity of claiming and coming upon the register for another qualification. At the same time, your Committee are of opinion that the offence of voting in respect of a qualification which no longer belongs to the voter should, under any other circumstances, be constituted an offence punishable by a summary conviction before two magistrates. It would also be desirable that any person parting with his qualification should be required to give notice of the same to the assistant overseer of his district.

Roberts, 669–71. Pilcher, 876–7. Bontems, 1039–40. 1181. Hurrell, 1374–5. 1456. Blaine, 1530. Freeman, 1630. Parrott, 2134. Trevor, 2598. Cave, 2729. Bontems, 1264. Freeman 1716–17. Baxter, 195–409. Pilcher, 905–7. Freeman, 1630. 1792.

Roberts, 524.

Cave, 2865.

Trevor, 2510.

"9. There are various minor points upon which your Committee are of opinion that amendments of the existing law would be desirable. The appeal from the decisions upon points of law in a revising barrister's court should be given as a right, instead of being left to the discretion of the revising barrister, some security against frivolous appeals being obtained by making it necessary that the appellant should deposit some small sum on giving notice of such appeal.

Udall, 2253. Trevor, 2507.

"10. Considerable doubt prevails as to the legality of the withdrawal of objections. It is evident that power of withdrawal should exist, upon due notice to the voter objected to being given by the objector, and your Committee recommend that this alteration should form part of any amendment of the existing law.

Freeman, 1625. Cave, 2694. 2707

"11. It is at present the practice for the judges of assize to appoint the revising barristers in the summer circuit. Their appointment in the spring circuit

Udall, 2209. Cave, 2765.

appears more desirable, so that there may be a definite authority to apply to in the event of any difficulties arising in registration matters during the months immediately preceding the revision of the lists."

Motion made, and Question, "That the proposed Report be now read a second time, and considered, paragraph by paragraph"—put, and *agreed to.*

Paragraph 1.—Amendment proposed to leave out from the word "two-fold," in line 11, to the word "owners," in line 15, in order to insert the words, "By virtue of the 'Representation of the People Act, 1867,' persons entitled to vote under that Act, in respect of the occupation of premises, are placed upon the list of electors by the overseers without the necessity for any action on their own part"—(Mr. *Dodds*)—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Brand.	Mr. Johnston.
Mr. Richards.	Sir Harcourt Johnstone.
Mr. Read.	Mr. Dodds.
Mr. Pell.	Sir Edward Colebrooke.
Lord Claud John Hamilton.	
Mr. Wynn.	
Mr. Cross.	

Paragraph amended, and *agreed to.*

Paragraph 2, amended, and *agreed to.*

Paragraph 3.—Amendment proposed to leave out the word "if," in line 8, in order to insert the words, "Your Committee recommend that where there is a paid assistant overseer for the whole of any union, he should (and where there is not, then the clerk to the assesment authority should,) be the 'registrar of voters' for such union. That he should undertake, with the assistance of the overseers of each parish, the publication of the lists, the revision of such lists, after receipt of claims, objections, and all the information he can get by inquiry, in each particular case; the republication of such lists, so revised, and the publication of objections or claims that are persevered in after his revision. Objections and claims so persevered in would then be the sole questions that would come before the revising barrister. They would probably be very few in unions where confidence was general in the impartiality and ability of the 'registrar of voters,' and would diminish in number year by year, so that before long it would probably become unnecessary for the barrister to sit at more than one place in each county (or division). In that case very many fewer barristers would be required, and the expense so saved would be available for payment of the salaries of the 'registrars of voters,' which, together with the expense of printing the register, should be made a charge on the Consolidated Fund"—(Mr. *Johnston*)—instead thereof.—Question put, That the word "if" stand part of the paragraph.—The Committee divided:

Ayes, 8.	Noes, 5.
Mr. Brand.	Mr. Richards.
Mr. Read.	Mr. Johnston.
Mr. Pell.	Sir Harcourt Johnstone.
Lord Claud John Hamilton.	Mr. Dodds.
Mr. Wynn.	Sir Edward Colebrooke.
Mr. Egerton.	
Mr. Beaumont.	
Mr. Cross.	

Another Amendment proposed in line 11, to leave out the word "as"—(Mr. *Dodds*).—Question put, that the word "as" stand part of the paragraph.—The Committee divided:

Ayes, 7.	Noes, 5.
Mr. Johnston.	Mr. Brand.
Mr. Read.	Mr. Richards.
Mr. Pell.	Sir Harcourt Johnstone.
Lord Claud John Hamilton.	Mr. Dodds.
Mr. Wynn.	Sir Edward Colebrooke.
Mr. Egerton.	
Mr. Cross.	

Another Amendment proposed in line 11, to leave out the word "official"—(Mr. *Johnston*).—Question put, That the word "official" stand part of the paragraph.—The Committee divided:

Ayes, 4.	Noes, 8.
Mr. Read.	Mr. Brand.
Mr. Pell.	Mr. Richards.
Lord Claud John Hamilton.	Mr. Johnston.
Mr. Cross.	Sir Harcourt Johnstone.
	Mr. Dodds.
	Sir Edward Colebrooke.
	Mr. Wynn.
	Mr. Egerton.

Another

Another Amendment proposed, in line 11, to insert the word "public"—(Lord *Claud John Hamilton*).—Question, That the word "public" be there inserted.—The Committee divided:

Ayes, 7.	Noes, 5.
Mr. Brand.	Mr. Johnston.
Mr. Richards.	Sir Harcourt Johnstone.
Mr. Read.	Mr. Dodds.
Sir Edward Colebrooke.	Mr. Wynn.
Mr. Pell.	Mr. Egerton.
Lord Claud John Hamilton.	
Mr. Cross.	

Another Amendment proposed in line 13, to leave out from the word "guardians" to the end of the paragraph—(Mr. *Dodds*).—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 9.	Noes, 3.
Mr. Brand.	Mr. Johnston.
Mr. Richards.	Sir Harcourt Johnstone.
Mr. Read.	Mr. Dodds.
Sir Edward Colebrooke.	
Mr. Pell.	
Lord Claud John Hamilton.	
Mr. Wynn.	
Mr. Egerton.	
Mr. Cross.	

Paragraph, as amended, *agreed to.*

Paragraph 4, amended, and *agreed to.*

Paragraph 5, amended.—Amendment proposed, at the end of the paragraph, to add the words, "Your Committee suggest that in the event of an alteration in the law, so as that owners as well as occupiers should be rated, the assessment or rate book, would as in Scotland, form a sufficient basis for registration, and that the persons whose qualifications are of such a nature as not to appear in the rate book, and who would therefore have to claim to be registered, would be comparatively inconsiderable in number, and might be required to give some proof of their qualification—(Mr. *Brand*).—Question put, That those words be there added.—The Committee divided:

Ayes, 5.	Noes, 7.
Mr. Brand.	Mr. Dodds.
Mr. Richards.	Mr. Read.
Mr. Johnston.	Sir Edward Colebrooke.
Mr. Egerton.	Mr. Pell.
Mr. Cross.	Lord Claud John Hamilton.
	Mr. Wynn.
	Mr. Beaumont.

Paragraph, as amended, *agreed to.*

Paragraph 6, amended.—Amendment proposed in line 7, to leave out from the word "time" to the word "and" in line 10, in order to insert the words "and it appears that in large and shifting constituencies an adherence to this rule is desirable in order to place a sufficient check on improper claims"—(Mr. *Johnston*)—instead thereof.—Question, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 4.	Noes, 4.
Mr. Richards.	Mr. Brand.
Mr. Dodds.	Mr. Johnston.
Lord Claud John Hamilton.	Mr. Read.
Mr. Wynn.	Mr. Cross.

Whereupon the Chairman declared himself with the Ayes.

Another Amendment proposed, at the end of the paragraph, to add the words "who should be empowered to award such costs as they think fit, not exceeding the actual expense incurred, and compensation for loss of time, upon a scale to be settled for the purpose"—(Mr. *Dodds*).—Question put, That those words be there added.—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Brand.	Mr. Johnston.
Mr. Richards.	Mr. Read.
Mr. Dodds.	Sir Edward Colebrooke.
	Lord Claud John Hamilton.
	Mr. Wynn.
	Mr. Cross.

Paragraph as amended, *agreed to.*

Paragraph 7, amended.—Amendment proposed to leave out from the word "to," line 4, to the end of the paragraph, in order to add the words "amend any error which, in his opinion, is not calculated substantially to mislead the objector, and also to amend any error in a notice of objection which, in his opinion, will not indirectly prejudice the claimant"—(Mr. *Brand*)—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 3.	Noes, 7.
Mr. Dodds.	Mr. Brand.
Sir Edward Colebrooke.	Mr. Richards.
Mr. Wynn.	Mr. Johnston.
	Mr. Read.
	Mr. Pell.
	Lord Claud John Hamilton.
	Mr. Cross.

Words added.—Paragraph, as amended, *agreed to.*

Paragraph 8.—Amendment proposed to leave out from the word "overseer," in line 6, to the words "your Committee," in line 18, in order to insert the words "However, it appears desirable that duplicates should be allowed to the extent of any voter who has more than one qualification appearing twice on the register, in order that he may not lose his vote by the sale of any one property"—(Mr. *Johnston*)—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 5.	Noes, 6.
Sir Edward Colebrooke.	Mr. Brand.
Mr. Pell.	Mr. Richards.
Lord Claud John Hamilton.	Mr. Johnston.
Mr. Wynn.	Sir Harcourt Johnstone.
Mr. Cross.	Mr. Read.
	Mr. Beaumont.

Question proposed, That the proposed words be inserted instead thereof.—Whereupon Amendment proposed to the proposed Amendment, to leave out from the word "register" to the end of proposed Amendment—(*Mr. Brand*).—Question put, That the words proposed to be left out stand part of the proposed Amendment.—The Committee divided:

Ayes, 5.	Noes, 6.
Mr. Richards.	Mr. Brand.
Mr. Johnston.	Mr. Dodds.
Sir Edward Colebrooke.	Mr. Read.
Mr. Wynn.	Mr. Pell.
Mr. Cross.	Lord Claud John Hamilton.
	Mr. Beaumont.

Question, That the proposed Amendment, as amended, be inserted in the paragraph, put, and *agreed to.*

Another Amendment proposed, after the last Amendment, to add the words "And your Committee would suggest that names which appear more than once on the register should be distinguished by one of the same number, to which an asterisk should be attached"—(Mr. *Beaumont*).—Question, That those words be there added, put, and *agreed to.*

Paragraph further amended, and *agreed to.*

[Adjourned till Friday, the 15th instant, at Twelve o'clock.

Friday, 15*th July* 1870.

MEMBERS PRESENT:

Mr. KNATCHBULL-HUGESSEN, in the Chair.

Mr. Brand.	Lord Claud John Hamilton.
Mr. Johnston.	Mr. Read.
Mr. Richards.	Mr. Wynn.
Sir Harcourt Johnstone.	Mr. Egerton.
Mr. Dodds.	Mr. Raikes.
Mr. Pell.	

Paragraph 9.—Amendment proposed, after the word "desirable," in line 2, to insert the words, "It has been already suggested that the number of lists at present made out by the overseers is unnecessarily large. The new list of 12 *l.* voters, annually made out, includes all persons on whom a right to vote for a county in respect of property is conferred by the Reform

Reform Act of 1867. It consequently happens that all or nearly all the 50 *l.* occupiers are included in the 12 *l.* list, and included only to be erased. As the repeal of so much of the 20th section of 2 Will. 4, c. 45, as confers the right of voting upon tenants at a yearly rent of not less than 50 *l.* would disqualify certain persons who now come upon the register under its provisions but who are not rated to the poor, your Committee cannot recommend this apparently obvious solution of the difficulty, but they would suggest that the 12 *l.* list should be confined to persons not already on the register, and that the overseers should not be required annually to make out a new list, but merely to correct the existing list by adding thereto the names of persons who have acquired their right to vote since the preparation of the former list, and omitting those who have ceased to hold the necessary qualification"—(Mr. *Read*).—Question, "That those words be there inserted"—put, and *agreed to*.—Paragraph further amended, and *agreed to*.

Paragraphs 10 and 11 amended, and *agreed to*.

Amendment proposed, after the last paragraph to insert the following paragraph: "Your Committee are of opinion that revising barristers shall be of not less than five years' standing, instead of three, as at present"—(Mr. *Dodds*).—Question, "That this paragraph be inserted in the Draft Report"—put, and *agreed to*.

Another Amendment proposed, to insert the following paragraph: "That a system of street lists should be adopted in parishes containing towns (not being boroughs) or large villages, and that the revising barrister should decide (subject to an appeal by any voter registered in such parishes to superior court) which parishes should be arranged in street lists and which in alphabetical lists"—(Mr. *Johnston*).—Question, That this paragraph be inserted in the Draft Report—put, and *negatived*.

Another Amendment proposed, to insert the following paragraph: "That in order to secure greater uniformity of action a controlling authority over the body of revising barristers be given to the Court of Common Pleas, by whom rules for their guidance should be framed"—(Mr. *Dodds*).—Question put, That this paragraph be inserted in the Draft Report.—The Committee divided:

Ayes, 5.	Noes, 4.
Mr. Brand.	Sir Harcourt Johnstone.
Mr. Richards.	Mr. Wynn.
Mr. Dodds.	Mr. Egerton.
Lord Claud John Hamilton.	Mr. Raikes.
Mr. Read.	

Another Amendment proposed, to insert the following paragraph, "That claims to be placed on the list should be received by the proper officer all the year round."—(Lord *C. J. Hamilton*).—Question put, "That this paragraph be inserted in the Draft Report."—The Committee divided:

Ayes, 4.	Noes, 5.
Sir Harcourt Johnstone.	Mr. Brand.
Mr. Dodds.	Mr. Richards.
Lord Claud John Hamilton.	Mr. Read.
Mr. Raikes.	Mr. Wynn.
	Mr. Egerton.

Another Amendment proposed, to insert the following paragraph, "Your Committee consider that the fact of a ratepayer being rated at and above 12 *l.* in a rate book which has been passed by the assessment committee of the union should be conclusive evidence of value in favour of his qualification"—(Mr. *Read*).—Question, "That this paragraph be inserted in the Draft Report"—put and *negatived*.

Another Amendment proposed, to insert the following paragraph, "Your Committee are also of opinion that the present optional provision for transferring voters resident in the county to poll at the polling district of their residence should be made compulsory, and that every voter resident in the county whose place of abode shall not be within the polling district of his qualification should be transferred by the revising barrister to vote at the polling district of his abode. Evidence has been given that such a transfer would greatly diminish the expense of conveyance in county elections, and would afford a check against personation which may be very useful if the system to vote by ballot should hereafter be adopted"—(Lord *Claud John Hamilton*).—Question proposed, "That the proposed paragraph be inserted in the Draft Report.—Whereupon, Amendment proposed to the proposed paragraph, at the beginning thereof, to insert the words, "In the event of the adoption of the system of Vote by Ballot"—(Mr. *Brand*).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 4.	Noes, 6.
Mr. Brand.	Mr. Pell.
Mr. Richards.	Lord Claud John Hamilton.
Sir Harcourt Johnstone.	Mr. Read.
Mr. Dodds.	Mr. Wynn.
	Mr. Egerton.
	Mr. Raikes.

Another Amendment proposed, to the proposed paragraph to leave out from the word "abode," in line 6 to the end of the proposed paragraph—(Mr. *Raikes*).—Question, "That the words proposed to be left out stand part of the proposed paragraph."—The Committee divided:

Ayes, 4.	Noes, 5.
Mr. Brand.	Mr. Pell.
Mr. Richards.	Lord Claud John Hamilton.
Sir Harcourt Johnstone.	Mr. Read.
Mr. Dodds.	Mr. Wynn.
	Mr. Raikes.

Question put, That the proposed paragraph, as amended, be inserted in the Draft Report.—The Committee divided:

Ayes, 5.	Noes, 4.
Sir Harcourt Johnstone.	Mr. Brand.
Lord Claud John Hamilton.	Mr. Richards.
Mr. Read.	Mr. Dodds.
Mr. Egerton.	Mr. Wynn.
Mr. Raikes.	

Another Amendment proposed, to insert the following paragraph, "Your Committee are of opinion that all claims to vote should be more specifically stated than at present is required at law"—(Mr. *Pell*).—Question put, That this paragraph be inserted in the Draft Report.—The Committee divided:

Ayes, 4.	Ayes. 5.
Mr. Pell.	Mr. Brand.
Lord Claud John Hamilton.	Mr. Richards.
Mr. Read.	Sir Harcourt Johnstone.
Mr. Raikes.	Mr. Dodds.
	Mr. Wynn.

Another Amendment proposed, to insert the following paragraph, "Your Committee are of opinion, that the barrister appointed to revise the lists should hold a revision court at each polling-place, unless the justices in quarter sessions should otherwise direct"—(Mr. *Dodds*).—Question, "That this paragraph be inserted in the Draft Report"—put, and *agreed to.*

Question, "That this Report, as amended, be the Report of the Committee to the House"—put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From Whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Expenses of Journey to London and Back.	Allowance during Absence from Home.	Total Expenses Allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. James William Pilcher -	Secretary to East Kent Liberal Registration Association.	Canterbury - -	1	1 5 -	1 1 -	2 6 -
Mr. John Freeman - -	Solicitor - -	Huddersfield - -	3	2 18 -	6 6 -	9 4 -
Mr. J. Broughton Edge -	Coroner - -	Bolton - - -	3	3 12 -	6 6 -	9 18 -
Mr. Thomas Tudor Trevor -	Solicitor - -	Guisboro - -	3	4 4 -	6 6 -	10 10 -
				Total - - - £.		31 18 -

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Friday, 6*th May* 1870.

	PAGE.
Mr. Robert Dudley Baxter	1

Friday, 13*th May* 1870.

Mr. Thomas Nicolls Roberts	25
Mr. James William Pilcher	41

Friday, 20*th May* 1870.

Mr. John Francis Bontems	47
Mr. John Hurrell	60
Mr. Delabere Roberton Blaine	68

Friday, 27*th May* 1870.

Mr. John Freeman	72
Mr. James Broughton Edge	90

Tuesday, 14*th June* 1870.

Mr. Joseph Parrott	97
Mr. Henry Udall	101

Friday, 17*th June* 1870.

Mr. Thomas Tudor Trevor	113
Mr. Lewis William Cave	120

Tuesday, 21*st June* 1870.

Mr. John Hurrell	133
Sir Edward Colebrooke, Bart., M.P.	135

MINUTES OF EVIDENCE

Friday, 6th May 1870.

MEMBERS PRESENT:

Mr. Henry Robert Brand.
Sir Edward Colebrook.
Mr. Dodds.
Mr. Algernon Egerton.
Lord Claud John Hamilton.
Mr. Johnston.
Mr. Knatchbull-Hugessen.
Mr. Raikes.
Mr. Clare Read.
Mr. Richards.
Mr. Wynn.

E. H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. ROBERT DUDLEY BAXTER, called in; and Examined.

1. *Chairman.*] HAVE you been Secretary to the Conservative Registration Association of the West Riding of Yorkshire?—Yes, I have been Secretary to that association since the year 1859. At first for the West Riding, when it was a total constituency of 40,000, and since that time I have acted for the South-west Riding after the division.

2. Did you, two years ago, re-organise the Middlesex Conservative Association?—Yes.

3. And have you maintained your connection with that association since then?—I am Treasurer of the Middlesex Conservative Association, and I re-organised that registration. It was a very different one from the West Riding Association, because it was almost entirely a town constituency, whereas the West Riding was principally a county constituency.

4. When the Reform Bill of 1867 was in preparation had you occasion to look narrowly into the registration laws?—I had. It was ultimately settled that nothing should be done about the registration, but it was looked into very narrowly, and its revision considered at that time.

5. You have, since that time, been in the habit of receiving communications from Conservative county agents all over the country, have you not?—Yes, I receive communications from them, asking my opinion on various points of county practice. I have also drawn out and furnished to them all through the country the forms of instructions and the other forms which, I believe, are now used.

6. Have you, since the appointment of this Committee, put yourself in communication with a number of those country agents, and asked their opinions on the various changes that have suggested themselves to you?—Yes, I have sent a series of questions, which I have here, to about 20 of the leading county agents, the most intelligent men that we have, and asked their opinion about them. I have them here, and can hand either those, or some of them, in for the inspection of the Committee, if they wish it.

7. Is it not the case that the present system of county registration is in a somewhat disjointed state, depending on various Acts of Parliament?—It is so; there are now two entirely different systems in operation. I will take first in order, though the latest in point of enactments, the laws with regard to 12 *l.* occupiers, taken from the law of boroughs, and relating to a very large portion of the constituency. That is what is called a self-acting or official registration. The occupiers are all registered, or should be all registered, without any trouble of their own by the overseers of the different parishes in which they reside. The other system, which has been in operation ever since the Reform Bill of 1830, is the voluntary system, in which every one has to register himself by sending in a claim. And also it is voluntary in this way, that anyone who thinks that a voter has no right to be on the register can send in an objection to try and strike his name off.

8. We are not going into the question of borough registration, we are confined to that of the counties; is the system of county registration at the present moment in a rather confused state?—Yes; even with regard to the 12 *l.* occupiers, that system is susceptible of very great improvements, because of the bad education, generally, of the overseers, their inaccuracy, and their not understanding what ought to be done; a number of occupiers lose their votes on that account. But the principal hardships are connected with what are called the property owners, that is to say, freeholders, copyholders, and leaseholders,

Mr. *Baxter.*

6 May 1870.

who have to claim by themselves in a voluntary manner. It is rather a hardship that they should be obliged to claim, and it is a still greater hardship when they come up to prove their claims, when they are objected to. The revising barrister's court is an exceedingly inconvenient one; people have to come and spend a whole day in what is popularly called kicking their heels, for perhaps the case is taken in a single minute, and they run a great risk of losing their votes from, it might be, very temporary inattendance; but still I do not know how, under the voluntary system, that can be avoided. If you relax the law with regard to proving their claims, you would have the register swamped with bad votes.

9. There are two main points, I believe, to consider in registration; in the first place, whether those who are duly qualified have proper facilities for getting on the register, and in the next place, whether the system is such that unqualified persons get on the register without a sufficient check being exercised; will you be kind enough to give the Committee your opinion on those two points?—On the first point, duly qualified persons very constantly do not get on the register, you may say because they do not take the trouble to do it; but still in other things and wherever they have the voluntary system, you will find a large proportion of the population who will not take the trouble. It certainly seems to be a hardship, that when a man has a right given him by the State, he should not have that right guaranteed to him without trouble on his own part. With regard to the second point, whether unqualified persons would come on the register, unless there was the very greatest care taken by political organisations, the register would become full of unqualified persons.

10. Is the effect of the working of the present system practically to cause the work of registration to fall into the hands of a third party; that is to say, a political society on one side or the other, which for its own ends watches over the voters, and endeavours to influence the courts?—That is an absolute necessity under the present state of the law. Cases occur where the political organisations fall into abeyance, either for want of money or for want of political interest, and the result is, that the register of the county in a very short time becomes what is called rotten, that is to say, parties who were on the register at the time when it began, do not get struck off as they cease to have their qualifications, because it is nobody's business to look after it and strike them off; on the other hand, numbers of people who obtain their votes, have them without any qualification at all; fictitious votes are constantly created, unless very great care is taken about it. Mr. James, in his evidence before the Registration of Voters Committee, notices that. He mentions in one passage, that the Middlesex register would be flooded with fictitious votes, if the care of the organisations on each side was not unremitting.

11. Now with regard to the first point; you say you think it is a hardship that a person should have to prove his claim to come on the register; what is your reason for thinking that it is a hardship on the man in the first instance to call on him to prove his right to vote?—I think if he has that right and is considered by the Legislature to be a proper person to exercise that right, it ought to be done in a manner which would save him the trouble of getting the legal power to exercise it.

12. But is it not also in the interest of the public exceedingly necessary that the claim should be substantially and fully proved before he is in the first instance allowed to exercise that right?—Certainly, he must either claim and prove his claim, or he must be put on by some official person who knows that he has the right.

13. If the system of costs was carried to an extent beyond that to which it now is, that is to say, if costs were allowed, which I believe they hardly ever are, in the case of a claimant for the first time, do you think the hardship would be less?—No doubt that would facilitate the claims, but it would inevitably swamp the register with bad votes.

14. Do you think that that would discourage objectors too much?—Inevitably so; a man sends in his claim, and the claim is not known until after the 31st of July. There are then only three weeks to the 21st of August (practically it is only to the 18th of August), in which any person who looks after the register can investigate his vote, and see whether it is a good one. Now in a district where there are numerous voters it is absolutely impossible in those 18 days to ascertain whether the claimants, who are scattered all over the district, have a legal right to vote or not; the only way in which that can be done is by sending in objections to everybody and then withdrawing them afterwards, if there is found to be occasion to do so. But besides that, you do not know, under the present state of things, whether a man has a good vote or not until he has actually tested it in the court. You have not any proper registration of property which will give you that information, and you do not know anything about the deed, or will, or other paper under which the man holds his property, and therefore if you relax the system so as to give him the vote without any testing of his vote, and his proving it to the satisfaction of the barrister in every doubtful case, you would inevitably have a large number of bad votes put on the register. That is the opinion of all the registration agents, almost without exception throughout the country, and it is also the opinion of nearly all the revising barristers that I have spoken to about it, and that was the opinion of the Committee on the Registration of Voters which sat in the year 1864. They inquired into that topic, and they came to this fourth conclusion in their report: "Your Committee are not, however, prepared to recommend a plan which would increase the difficulties of registering new claimants, an object which the Committee rather consider it desirable to facilitate and encourage; on the other hand, so long as the purity and correctness of the register is left dependent upon the vigilance of individual objectors, it would be neither just nor politic to render the law of costs such as might deter or materially discourage persons from objecting." In consequence of that report the old system of allowing objections to every new claimant was continued.

15. If I rightly gather your opinion, you think that the true remedy is in some way or another to obtain a satisfactory proof of the right of the voter to his vote before he actually comes into the court to be placed on the register?—Yes, by means of proper rate books. I think that the person entitled ought to have it shown for him by a reliable

liable rate book that he has property in right of which he has a *primâ facie* claim for a vote.

16. You would have that investigation which is now supposed to be carried on by the overseers, but which you think is not properly carried on, carried on by some person whom you think more competent than the overseers?—Yes, that would be necessary.

17. Then the voter would come before the revising barrister, having had his claim inquired into before some competent authority, and the revising barrister would make the actual decision, placing him on the register?—Yes, there would be a *primâ facie* statement for the court that the claimant has property in the county which the overseer believes to be of a value to entitle him to a vote. As the matter stands at present a number of people are put on without the slightest qualification whatever. In Middlesex they are called *bogus* voters; fictitious voters is a more correct name. I was surprised two years ago by having an objection sent in to myself in a district with which I had no connection in Middlesex; somebody had sent in a claim for me as a freeholder in respect of property which I believe has no existence whatever. I have never been challenged, and I am on the register for that property at this moment.

18. But with regard to the operation of the present rule in such a case as that, was it not the overseers' duty to make some inquiries before they placed your name on the register?—No; the overseer has no power to object to a qualification to vote, unless he has reason to know that a person is dead or that he has left the property already.

19. But is that overseer supposed to know the owner of the property?—Practically, in Middlesex, the overseers do not know that.

20. Was that a case of rent-charge?—No, I believe I was put on for freehold land.

21. Do you mean to say that the overseers, under the present system, are supposed to be ignorant of the freeholders in their own parishes?—Yes, they take no care whatever about it.

22. That would apply more to densely populated districts than to rural districts; that is to say, it would be more difficult to know the owners of property in densely populated districts, would it not?—I do not think the overseer would object, in a rural district, to any freehold voter unless he knew he was dead.

23. What I gather from your evidence is that you think, unless there is some political organisation there is no protection whatever to the register?—There is not. Mr. James, who was a very experienced agent in Middlesex, gave the same evidence in substance that I am giving now, on the last occasion that this subject was inquired into. He said that a large number of fictitious votes were put on in Middlesex.

24. Has your attention been called to the proposal that the voter should make a declaration of his qualification?—Yes; that, in certain cases, would be a good thing, but it is liable to this very great objection: that the voter is very often a man who is uneducated, and still more often is a man who will not take the trouble to look into his own vote. A declaration is brought to him to say, and he is told to say, that he is a freeholder, or whatever it is, and he signs it without knowing anything about it. The only way of testing that is by an examination before the revising barrister. I have no doubt that under the present system of registration, most men who possess property in right of their wives would sign declarations to say they were freeholders; it is only when you ask for the will before the revising barristers' court that you discover it is not so.

Mr. *Baxter.*

6 May 1870.

25. Is it your opinion that a self-acting registration system for counties can be arrived at?—I think it ought to be arrived at, but I see very great difficulties under the present state of the law, with regard to overseers, in arriving at that.

26. Does that feeling of yours arise from the position in life and the state of education in which those overseers are generally found?—It does, in a great measure. A gentleman writes to me, Mr. Veley, of Braintree, and he gives it so well that I should like to read his remarks to the Committee. He says, "Looking at the class from whom overseers, in small towns and rural parishes, are usually taken, namely, shopkeepers and small farmers, I doubt the wisdom of placing any further responsibilities on their shoulders, even if their general impartiality were more assured than it is. The men of better education, whether as magistrates or professional men, are exempted from serving; the best of the next class are, probably, churchwardens, guardians of the poor, or waywardens; and the office of overseer is frequently thrust upon the last new comer into the parish. The churchwardens may act as overseers, but seldom do. Even the simple duty of receiving the claims to vote, and making out the alphabetical list, is often performed by them in so slovenly a manner as to try the patience of the revising barrister; and if an overseer partially learns his duty one year, he is out of office the next. In these respects they would, unquestionably, be the better for the assistance of the clerk to the guardians."

27. Have you contrasted the system that obtains in Scotland with our system in England?—Yes, I have.

28. What is the result of that comparison?—The Scotch have an admirable system of registration, which has only been introduced a few years. They used to register through the schoolmasters, who were the Scotch substitutes for overseers, I believe; but a few years ago they introduced a new system of registration by qualified and permanent men, who are not appointed for that purpose only. It is done through the valuation that is made in Scotland of all real property. That list is made out in Scotland in a very superior manner to what it is in England. If we had any officials in England who could make out a valuation roll for the assessment committees, as it is done in Scotland, we should be able to have a perfect register of property, and a perfect rate book, and a perfect register for voting.

29. If such a system could be introduced into England you would think it a great improvement on the present system, I suppose?—It would be a very great improvement on the present system, I believe.

30. Now, with regard to the present way in which the rate-book is managed; does the rate-book now give the owners of property with any accuracy?—No, it does not; there is the owner's column, but nothing comes of that owner's column; no rates are got through it, and

Mr. *Baxter*.

6 May 1870.

it practically remains untouched for many years.

31. Now, supposing the plan, which has very frequently been ventilated of late, of dividing the rates between the owners and occupiers, were adopted in England, would not that necessitate greater attention to the owner's column?—Yes; no doubt you would require an addition to the rate-book and the valuation; you would require another column in which more perfectly to describe the owners, and you would need more care in putting down the owner himself. If such an alteration were made in the law with regard to rating it would practically give a perfect rate-book, which would afterwards give a perfect register for election purposes.

32. Could you engraft upon such an alteration in the system a further alteration affecting the registration of voters?—Certainly; you will not be able to carry out that system of perfect registration of voters for election purposes unless you have permanent assistant overseers. The report of Mr. Harcourt's Committee about boroughs went into that question, but it was not a very practical report, because it stopped at making the clerk to the guardians the head registration agent, and letting him employ people under him; but the clerk to the guardians, I believe, never can be the real man to do it. The real unit of the whole affair is the assistant overseer; he is the foundation on which you must build everything; the clerk to the guardians is a professional gentleman with a great deal to do, who sits in his office in a county town, or in the middle of a town, and practically knows little of the property around; you need a man for the office who is constantly about the country collecting rates and inquiring into the property of the occupiers; he obtains a local knowledge of the whole country which would enable you to build up the rate book and the register accurately.

33. If we had this alteration of the system which I have mentioned, the fact of the rate being levied partly on the owners would make those who are not actually owners themselves very careful that they were not inserted in the column of the rate book, as they often are, instead of the right owners, would it not?—Yes, and it would be a very great safeguard against fictitious votes. I should add with regard to assistant overseers, that I think they ought not to be appointed merely for the parish, but that they should be officers for the union, making the union the unit of the district instead of the parish as at present; and if those assistant overseers were officers under the clerk of the guardians, and sent by him to make out the rates for the different parishes, then you would get the thing done in an orderly manner, and from a determined centre; but if you appoint them out of each parish, and they are paid by the parishes and looked after by the parishes, you will only have a slight improvement on the disorder that now prevails. You must look to a central union authority.

34. How would you have the assistant overseer appointed?—I would have him appointed by the union; that is to say, by the Board of Guardians.

35. And how would you have him paid?—He should be paid out of the general rates.

36. Out of the common fund?—Yes. I believe he would more than save the expense by the increase that would result from the greater posting up of the rate book.

37. Do you think that the local authorities would be convinced of that, or do you think that great prejudice would be excited against the appointment of an additional paid officer of the union?—I think not, for this reason; the overseers would be most happy if this troublesome task were taken off their hands by a competent person. It now very constantly happens that the overseers are unable to do the work, and they come to somebody in the parish, or somebody in the district, to do the work for them. I was the other day at Poole, and I met with a most intelligent man, Mr. Houliston, who is an assistant overseer of that district. He said that the annual overseers always came to him to make the rate up. The assessment committee send them a regular form in these words: "I am directed by the assessment committee of this union to require that you will forthwith prepare the valuation list for the parish of So-and-so, for the present year." That is signed by the clerk to the committee, who is clerk to the guardians. Then the overseers send back answers to say that they are unable to make up the rate, and they request that they may be allowed to make it up with the assistance of some other person; that person being himself. Then he makes out the valuation and the rate for them, and they sign it.

38. Perhaps the overseers would take that view, but do you think that the ratepayers generally would see such a saving in the appointment of this paid officer as to compensate them for the increased expense which would be at once apparent?—It would not be a large expense over the area.

39. Have you heard whether there are occasional complaints of the weight of local taxation?—Yes.

40. But you think that this burden would not be such a burden as to create any such feeling?—It would be quite an inconsiderable burden compared with the good that would follow, and the relief to the ratepayers.

41. Supposing such a system were adopted, would it do away with the necessity for the political organizations which are now necessary for working the present system?—To a considerable extent; it would very much lighten the expense of county registration, which is now very heavy. Take such a county as Middlesex, that requires a fund of something like 900 *l.* or 1,000 *l.* a-year for each political party. The same is the case in the West Riding of Yorkshire. Each of those districts costs from 800 *l.* to 1,000 *l.* a-year, which has to be made up by subscriptions. Of course, that comes very heavily on the sitting Member, and constitutes a very large permanent drain on his resources. It would be a very great relief to him if the system I recommend were carried out.

42. Your experience is, that the sitting Member is the person who pays for the registration?—Not so much in counties as in boroughs, but he is generally expected to subscribe very liberally.

43. You do not think this new system would be a complete guarantee for purity of registration?—No.

44. Take the case of mortgages, for instance, would an assistant overseer be able to arrive at the existence or non-existence of a mortgage?—No, he could not arrive at that unless he happened to know it.

45. It is the fact, is it not, that a very considerable

siderable number of the objections which are contested in registration courts, are objections on the ground that the property has been mortgaged?—That is so in small freeholds; in the larger properties (I mean anything over 3 *l.* or 4 *l.* a year) a mortgage very seldom makes any difference, but it does in building society property, and cases where people buy a house merely for a vote. The mortgage question does not affect the great mass of votes.

46. But I suppose it affects the votes in the counties where building societies have large operations, and also in counties where there are large numbers of freeholders? — Yes, where there is a large number of very small freeholders.

47. The county of Kent is one of those counties, is it not?—Yes. May I refer the Committee to an answer of Sir Thomas Edward Colebrooke, before the Committee of 1864; I refer to questions 2297 and 2298 with regard to political organisations. "*Q.* Is it the case in most Scotch counties that the registration is looked after by political agents on each side? *A.* It used to be so. (*Q.*) Have their services been to any material extent dispensed with since the passing of your Act?—(*A.*) I think that they have generally, except in cases where it has been thought advisable to raise questions before the court of appeal."

48. Would you have those assistant overseers, whom you have been speaking about, acting under the clerk to the guardians?—Yes; the overseer should refer to the clerk to the guardians as the head and superintendent; but all the practical work should be done by the assistant overseer.

49. I understand you to say that the primary duty of this assistant overseer would be to make out the valuation roll?—Yes, that would be his primary duty.

50. You would only take this registration duty as the corollary of the other?—Yes; but when he has got the valuation roll properly made out that would be very easy, at least, it would be so in a county. There are two other points which would cause a great deal of difficulty, and, in fact, insuperable difficulty at present; but which, under such a system as I describe, I think would soon cease to be an insuperable difficulty. One is the question of tenure. The amount of qualification depends at present upon tenure; whether it is a freehold-in-fee, or whether it is a freehold for life, or copyhold, or leasehold. Those things are not known generally to the overseers from their want of acquaintance with the property of the parish. It would be necessary to have a column in which the tenure should be inserted, and after a time the assistant overseer, as he got acquainted with the property, would very soon know what property is copyhold, what property was leasehold, and what property was freehold. The other point is with regard to trustees. A trustee is, of course, a legal owner, and, as such, is at present in a very large number of cases put down in the owners' column; it would be necessary to put down the beneficial owner, the *cestui-que trust*, as well as the trustee, and that I think also could be arrived at.

51. Suppose you amplified and improved the rate book, in this manner, should you not be able very much to simplify the register of Parliamentary voters?—Yes.

52. At the present time how many lists are necessary for each parish?—You have the 12 *l.* occupiers' list, which is a new one, every year made out by the overseers: you have then the old list of property voters for the preceding year; then you have the list of claimants for the preceding year, and the list of objections for the present year; but such a system as that would reduce them to three; the overseers would publish the list of the preceding year, and then they would publish two supplemental lists, one showing those that had ceased to be entitled to vote, and the other showing those whom he knows to have become entitled during the present year; the renewing every year of the list of 12 *l.* occupiers is a thing borrowed from the boroughs; No doubt in boroughs it is necessary, because many people change their residence three or four times in the year perhaps, but in counties it is not necessary, particularly with 10 *l.*, 12 *l.*, or 14 *l.* occupiers, they are almost invariably fixtures. The system works badly in this way, that in every new list there is a risk of errors over the old list, and therefore you may have a very well made out and correct list from the work of the revising barrister, the year before, which is jumbled into a very imperfect list by the overseers. Cases occurred, during the last registration, in which uneducated overseers made a mistake, and did not send in a list at all; and the consequence has been that a large number of people lost their votes for a year; now, if you had the old list remaining until amended by the new list, people would have a certainty that their votes remained until they left the place. I am on the register at Hampstead for a house, but I am never sure that I shall be on next year, because it will be a fresh list and my name may be omitted.

53. When you speak of the 12 *l.* occupiers' list, and the old list, the voters under the Chandos clause, being occupiers at or over 50 *l.*, are included in the old list?—Yes.

54. Is not that a very absurd state of things?—Yes, it is a very absurd state of things; those three lists, that is to say, the old list, and the supplemental list of persons becoming entitled, and the other supplemental list of persons ceasing to be entitled, were the systems recommended by the Committee of 1864; that is also the custom in the counties in Scotland. The recommendation is in the 11th section of the Report of 1864.

55. If you have purified the register by the preliminary process of purifying the rate books, is there any reason why there should be more than one single list of occupiers and owners alphabetically arranged, with the qualification placed opposite the name?—There would be no necessity for more than one list or register.

56. Now, with regard to persons residing in other districts from that in which the qualification exists, do you recommend any change in that respect?—Every person ought to be changed to vote at the district of his residence, if he has his residence within the county, or at the district which is most accessible from his residence, if he lives out of the county. At present, a man may have a qualification in six different districts; I know a gentleman in the West Riding of Yorkshire, who is on the list about 11 times, every time in different districts. There is a form provided by the Act of Parliament, by which a person can claim to vote in the district in which he resides, but people do not like the trouble of claiming;

Mr. *Baxter*. 6 May 1870.

claiming; sometimes they say we will not do it (this is the case with the small owners very often); they say we should like a journey down at the expense of the candidate, or the election committee, to see our property when the election comes on, and the consequence is, that you have at every election a large number of people poll who are what are called interdistrict voters, living in one district and polling in another, and one of the great difficulties of conducting an election, is arranging the conveyance and the expense of the conveyance of persons from one district to another to vote, when they might very easily have voted at the district of residence, and saved the expense of that conveyance altogether. There is another point, namely, that suppose any change should be introduced into the mode of voting; suppose the ballot were introduced, the present system would cause great danger of personation, I mean this multiplying of the qualifications, because where a person does not reside, he is not known. It would be quite competent for other people to go and personate this gentleman with 11 qualifications, without his own knowledge or anybody else's, and, with the ballot, no one could detect it, either before or after the election.

57. Then upon three grounds, that is to say, saving of expense, convenience, and the obviating of the risk of personation, you would make it compulsory that every voter should be registered in the district nearest his residence?—Yes, he should be registered in the district of his qualification, but he should have his name changed to vote, he should be "starred" to vote, at the district of his residence, and then his name is put in the list at the end of the register of "persons residing in other districts who are registered to vote in this district."

58. Would you let a man's name appear a dozen times over on the register, or would you only allow him to vote in one particular district?—The proposition which was made a year or two years ago might be applied to it, in my opinion, very advantageously, that is to say, to give the revising barrister power to leave a man on for one or, say, two qualifications. That difficulty arose when the 12*l.* occupiers' qualification was introduced, because the freeholders were, in a very large per-centage of cases, put on both as 12*l.* occupiers and as freeholders. There is a power in the last Registration Act obliging the revising barrister to strike out one of the qualifications; generally it is the occupation qualification.

59. Do you think that it would be desirable for that power to be enforced?—I think so. For a freehold qualification, I would leave two.

60. On what principle would you do that?—Because if he changed his property he might lose his vote; but that is not insuperable. If you prefer to make it only one let him choose which he will have.

61. Would it not save considerable expense in printing if all those duplicate voters were prevented from appearing on the register?—Certainly it would, and it would save complication in the register.

62. Take my own case; I am on the register for two or three parishes as a freeholder, and I might be on for half a dozen places as occupier; if the law says to me "You shall only appear once, as you can only vote once;" have I any right to claim that the county should print my name eight or ten times over?—No, I think not. There is one danger, where two persons of the same name are living near together, and then the barrister might very easily strike out one in mistake. It is very often the case that John Smith the father will live close by John Smith the son, and it is very puzzling to know if they are two people or one.

63. For that reason, and many other minor reasons, you are of opinion that it is quite necessary that there should be a court held by the revising barrister as a check upon the system of registration?—Yes.

64. You would not propose to interfere with the revising barrister's court?—No; I think that the revising barrister should hold his court; I do not know whether a preliminary investigation of the objections by the clerk of the guardians would not save a great deal of trouble to both the voter and the objector; that was recommended by Mr. Harcourt's Committee in the case of boroughs, and I think that that system might be carried out in the counties, although not quite in the same way.

65. Now, with regard to the opinions expressed by the agents whom you have consulted, I will read you off the questions in order; first, as regards the desirability of appointing clerks to the guardians to superintend the registers; will you be kind enough to tell me in what proportion your correspondents answered you?—Ten of the gentlemen answered "Yes," and five of them answered "No," that is to say, ten are for the appointment of clerks to the guardians to perform that duty, and five against it; but some of those five are very doubtful about it; they suggested, for instance, the property tax assessor instead.

66. But do they all concur in the desirability of having an alteration in the present system?—Only two of them thought that no alteration was necessary; I sent out 20 circulars.

67. And five out of that number answered "No"?—Yes.

68. Can you state any reasons which appeared to you to be reasons of weight which caused those five to object to the proposal that the clerks to guardians should be appointed?—I think Mr. Wailes was the principal objector; he says, "I do not think that the appointment of clerks to the guardians would to any material extent do good." He says further that the clerks to the Property Tax Commissioners would be more likely to obtain an accurate return, that is to say, because the property tax commissioners have at present a better register of property than the overseers.

69. The second question is as to whether the owners' column in the rate book could be improved and made accurate?—Yes; in that case there was about the same concurrence of opinion on each side; nine of those gentlemen answered "Yes," and five answered "No," but the negative answers principally depended on the imperfect fitness of the overseers.

70. Then, with regard to the third question, which was as regards the possibility of making out reliable lists of property voters if the owners' column is improved, was there much difference of opinion about that?—Eight gentlemen answered "Yes, that they could," and seven answered "No, that they could not be sufficiently improved;" I had not then thought about the assistant overseer; I afterwards sent letters round to ask their opinion about the assistant overseers, and there was

was a very general concurrence of opinion that paid assistant overseers would make it reliable and remove a great difficulty. There were still parties who wrote and said that neither the assistant overseer nor anybody else can find out the mortgages, or the trusts, or the tenures.

71. Under all circumstances I suppose there are very great difficulties in finding out the mortgages?—Yes, even in Scotland where the list is as perfect as it can be, it is still necessary to leave the owners of the more complicated estates to claim, such for instance as the leaseholders and the *cestui-que trusts* or beneficial owners; they still have to claim.

72. The fourth question was as to whether the tenure could advantageously be stated in the rate book; what was the result in that case?—Ten of the gentlemen answered "Yes," and four of them answered "No."

73. Then the next point was as regards improvement of claims and objections?—Yes; a number of small things were suggested there, but I can hardly give the Committee an idea of them; two or three gentlemen were for declarations.

74. I presume that you would maintain the right of making claims in case of an oversight being committed by the assistant overseers?—Yes, just as it is at the present time in the boroughs and the counties for the 12 *l.* occupiers. There were several who were for a declaration to be made, and others said that the declaration would not do, for the reason which I have given before.

75. Did you put the question whether the costs of objections might always follow the event as has been suggested?—The majority in that case was two to one, and they said that costs ought not to be given for first claims; 11 gentlemen said that costs ought not to follow the event in that instance, and five said that they ought.

76. Then, whether the present dates of registration could be improved, did you ask about that?—There the majority answered that they could not, but one hardship was pointed out by two or three persons, which seems to me a very natural one; they said that the period for entering upon the occupation in their counties was generally Michaelmas, and the consequence was that a man had to be in occupation for two years before he could come on the register. Now, in boroughs you enter on occupation almost at any time, May is a common time. My opinion is that the time should be altered for the 12 *l.* occupation.

77. Is there any other point that you particularly wish to bring before the Committee?—I should mention that the qualifications at present are of a most complicated nature, it is not within the scope of this Committee, but I should like to say that it would be desirable if there were some alteration of this particular leasehold qualification, for there seems to be no reason at all why 60 years should be required in one case, and why a yearly tenancy or a shorter lease should be required in another case. I should mention, with regard to the Bill of the honourable Member for Stockton, which is before me, that many of the things which he asks are already in the law, and that others which are asked for would occasion very extreme inconvenience.

78. Mr. *Brand.*] I think I understood you to say that the time during which persons might examine the list of voters and make objections was too limited?—It is, if you are to impose upon them the duty of maintaining their objection with their purse; in fact, to impose the risk upon them of incurring great expense.

79. Practically, you think that the time is too limited?—Yes, it is too limited.

80. How far would you throw it back or extend it?—I do not know that I would alter the time; I think I would prefer leaving it as it is. If you give too long an interval you increase the expense by the length of time in which you must employ an agent to look after the votes.

81. But if there was a permanent registration officer, do you see any objection to claimants sending in their claims throughout the whole of the year to him?—No, that would be quite proper. Practically, with such an alteration as you have described, people would get on the register, not by claiming to be placed on the register, but by claiming to be put on the rate book; that is the case in the boroughs. Take, for example, the city of Westminster and all the metropolitan boroughs, whenever a man has come to me to ask about his claim I have always said, "Send in your claim to be rated, and do not send in your claim to vote." That would practically be the state of things. A man would send in his claim to be rated; he would get into the rate book, and from that on to the register, and then he would come in with a *primâ facie* good title.

82. Seeing the great difficulty of obtaining information with regard to the beneficial interest which freeholders, or copyholders, or leaseholders have in property, you propose that the voter should retain the power of objecting to the first claim?—Certainly.

83. When a claimant has proved his claim, would you throw, in future, the *onus probandi* on the claimant or on the objector?—On the objector, I think; one gentleman made the suggestion that when a man has proved his claim it should be stated by the word "proved" being printed against his name.

84. With regard to the objections which you have to the costs following the event, that is not on the first claim, I suppose?—Usually, the costs do follow the event, in the discretion of the revising barrister, but it sometimes may happen that a man may get on the register by accident. In the first instance there may be a technical flaw in the objection, or he may have been missed altogether; a service may have been omitted from not being sent early enough to the post; so that a man might get on the first year with a bad vote; therefore I would restrict it to the first time of his being objected to.

85. In other words, you would leave it in future to the option of the revising barrister?—Yes.

86. Would the 12 *l.* list of voters include all the 50 *l.* occupiers?—Not quite all, but so nearly all that I think the 50 *l.* occupiers might be abolished.

87. What is the exception to that?—You may have tenants, or joint tenants, of a farm paying rent who are not on the rate book; under the present law they would be entitled to claim for their rental, but, at the same time, they would not be on the rate book, and might not be able to be on the rate book.

88. Is it not the fact that only two 12 *l.* voters, who are joint occupiers, can exercise the franchise?—That is so.

89. But, with regard to the 50 *l.* occupiers, any number can exercise the franchise?—Yes, any number; but it is not a very uncommon case to have

Mr. *Baxter.*

6 May 1870.

have three who claim off, perhaps, one large farm.

90. But the value of the property is divided by the number of the occupiers, and that gives each a qualification?—Yes.

91. That stands good with regard to the 50 *l.* occupiers, does it not?—Yes; and I do not see why that should not be the case with regard to the 12 *l.* occupiers.

92. That is so under the Reform Act of 1867, Section 27, is it not?—Yes; joint occupation confers a vote on each of the occupiers if the value is sufficient; "Provided always, that not more than two persons, being such joint occupiers, shall be entitled to be registered in respect of such premises unless they shall have derived the same by descent, succession, marriage, marriage settlement, or devise, or unless they shall be *bonâ fide* engaged as partners carrying on trade or business thereon."

93. That says only two persons?—Yes; but I do not see any reason why it should be by dividing the amount.

94. As it is in the Act of 1843 you mean?—Yes. I may mention how that clause got in. It was introduced into the boroughs to prevent the case of four or five occupiers being put in for one small house, but I do not see why it is needed here.

95. In fact it would be an advantage to repeal that limitation?—I think so.

96. You have said that it would be a great advantage if there was an official in England like the Scotch valuator?—Yes; if there was a paid assistant overseer who fulfilled the duties of the Scotch under-assessor or valuator, acting under a head, who might be the clerk to the guardians, corresponding to the head assessor in Scotland.

97. A permanent officer?—Yes, a permanent officer acting under the head officer of the union.

98. You would give power to the body who appointed this officer to dismiss him at will, I suppose?—Yes, I would give that power to the guardians, but I think that if such an officer were appointed he could not be dismissed without the consent of the Poor Law Board; that is the rule with regard to officers under the Poor Law Board.

99. Your proposal, if I understand your evidence correctly, is in favour of a reform in local government?—It comes to that practically.

100. That is hardly within the scope of this inquiry; but taking things as they are, and discarding all idea of creating new officers for the purpose, whom would you choose out of the different local authorities as the most experienced person to carry out the duties of registration, and as being the least subject to political bias?—I should propose as head, the clerk to the guardians for each union, but he cannot act without the assistance of local persons who know the property by house to house visitation; you must have either overseers or assistant overseers under him. It is better to have the clerk to the guardians and the overseers if you cannot get an assistant overseer, but a very slight change in the law would enable you to obtain the assistant overseer. I was talking to Mr. Lambert, of the Poor Law Board, about this, and I found that it was a kind of *casus omissus*, there being no power in the Poor Law Board to compel the parish to appoint an assistant overseer; I think it is a power which the board would be very glad to get.

101. But the clerks to the Boards of Guardians have at present relations with the rate collectors, have they not?—Very slight.

102. But they can call upon them to produce the valuation list, can they not?—Yes; but producing the valuation list is of no use where a man is not practically acquainted with the properties.

103. You propose that those permanent assistant overseers should be appointed by the boards of guardians?—Yes; by the assessment committee, in fact; they would be their officers.

104. The assistant overseers are now appointed by the magistrates, are they not?—I think that they are generally appointed by the parish board of guardians; but there is no law compelling a parish to have assistant overseers if they do not wish it.

105. Mr. *Dodds.*] But the necessity of the case very often compels the board of guardians to appoint assistant overseers, does it not?—Yes; but there is no legal power to compel them to do so.

106. Mr. *Brand.*] Would you not be afraid of those appointments being made on political grounds?—I think not. It might happen at first for a little time, but the scandal would very soon abate itself. The newspapers would take the matter up. Officials generally get into the habit of acting impartially where they are appointed for a length of time; where they are only appointed for a short time they bring into office the partialities of their previous education.

107. Take the boards of guardians throughout the country generally, are the mass of those officials of the Conservative party?—They might be in some parts, and then they might be quite the other way in other parts; but the same question applies to the present 12 *l.* occupiers; the same objection applies to letting the overseers make out the list of voters in boroughs, and practically it has not been found that they have acted much as partisans.

108. You have said that, on the grounds of saving of expense, of convenience, and of avoidance of personation, it would be as well if the voter polled at his place of residence?—Yes.

109. I want you to take the case of a voter who has two qualifications, one as a leaseholder and occupier of premises under a resident landlord, and the other as a freeholder in a different part of the county; do you not think that he would be able to exercise his right to vote more independently for his freehold qualification than for his occupation qualification?—I do not think that that would make any difference. It is such a very unusual case, that you could not legislate on a broad basis for that case.

110. Would that objection still be an objection if the ballot was made law?—No.

111. Mr. *Johnston.*] Would it not be better in these discussions to use the term "assessment authority," as Mr. Harcourt's Committee did, instead of the term "board of guardians"?—No doubt.

112. Then, with regard to the expense of this assistant overseer whom you propose, and also any extra expenses which the clerk to the assessment authority might incur, might not it be, to a great extent, made up (independently of the saving by obtaining additional rates) by the reduction of the number or pay of the revising barristers

risters; I mean would not their duties be much reduced by a more perfect system being introduced?—I can hardly answer that question; one does not know how far it would reduce the duties of revising barristers. I think the revising barristers would say that they were underpaid at present, perhaps.

113. You are aware, are you not, that Mr. Harcourt's Committee considered that the system which they recommended would gradually almost exterminate, so to speak, the duties of the revising barristers?—But for boroughs it is a more simple qualification than for counties; therefore, you could not say with the same certainty in the counties that the revising barrister would have much less to do.

114. But you think to a certain extent, at all events, a more perfect local registration system would reduce the number of the questions that come before the revising barristers? — Certainly.

115. With regard to those Chandos occupiers, would not they, except in cases of joint occupation, gradually disappear from the old list?—Yes, there is no reason why they should not almost entirely disappear from the old list at this moment.

116. Therefore, looking to the fact that they are gradually and naturally disappearing, is it not almost unnecessary to make any change in the law in that respect?—At present I do not know why, but throughout the country it is thought that the 50 *l.* occupation is the more worthy qualification, and therefore it is kept in; and where a man is on twice, once as a 50 *l.* occupier, and once as a 12 *l.* occupier, he is struck out as a 12 *l.* occupier; on account of the overseer knowing that the man is on as a 50 *l.* occupier, he does not put him on the list as a 12 *l.* occupier; that constantly happens.

117. But I mean that it would gradually disappear in this way, those who are now on would remain, but others would not take the trouble to claim, knowing that they were coming on the 12 *l.* list?—Yes, that might be so.

118. With regard to duplicates, would it not be considered a hardship if a voter were not allowed to be at least twice on the register?—No doubt people would say they wished to be on twice for greater security.

119. And not only for greater security, but, especially in the case of Members of Parliament who would be candidates at the time, for greater facility of voting when they are rushing about the county all day?—I do not think that would make any very great difference.

120. When Lord Amberley brought forward a Bill prohibiting duplicates, Mr. Hardy, who was then Home Secretary, refused to assent on the part of the Government to that Bill on that very ground, did he not?—I am not aware of that; but in my opinion the small convenience to Members of Parliament and others in such cases ought not to be set against the very great expense to Members of Parliament, and the great inconvenience to the country generally, caused by the present system of people voting where they are quite unknown, and a long way from where they reside.

121. But at the same time do you not think that such a provision would not be very likely to meet the concurrence of the House of Commons for that reason?—The House of Commons agreed to the power given to revising barristers to strike out one of the two qualifications, a 12 *l.* occupation and a freehold.

Mr. *Baxter.*

6 May 1870.

122. With regard to what we call out-voters voting in different districts from that in which their qualification is situated, you suggest that, without any special claim with regard to the vote, the registration authority should compel them to vote at the nearest place to their residence?—To change their names to vote at the district nearest their residence.

123. But over and above that, would you not allow any voter to claim to vote wherever he liked?—Yes, if he would take the trouble to claim I would allow it.

124. Are there not cases in which though a man is resident in the same polling district as his qualification is in, he is yet resident very much nearer to some other polling place close, on account of residing, to the edge or border of this district?—My answer was directed to the case of an out-voter, and not to the case of a man living within the county. In the case of the out-voter I would give him power to vote at any reasonable place which he claimed for, but not if the man lived within the county.

125. There are to my knowledge some hundreds of voters in my own polling district to whom it would be absolutely more convenient to poll in an adjacent one, because they would take it on their way to business by railway; do you not think that their case should be met by allowing them, if they would take the trouble to claim it, to vote at another polling place?—It is not part of the present law, and though it might be convenient in some cases, it would be a very dangerous innovation to introduce, because it would be abused for the purpose of personation.

126. Was your attention directed to that point in Clause 11 of the Bill of the honourable Member for Stockton, which clause was drawn by myself?—My attention was directed to it by that clause; agents wrote me from many parts of the country saying what a very dangerous thing it was.

127. Mr. *Dodds.*] Does it not happen in counties like Middlesex that many voters are, during the hours of polling, at a distance from their place of residence?—If a man's residence is near the place of polling he can always vote before he goes away from home. The common case is that of a man living in the suburbs and being in London during the day, and as the poll opens at eight o'clock in the morning there is no reason why he should not go and poll, as I always do, before he goes to London.

128. The hours of commencing business in London are a little later than in other places, I presume?—Yes.

129. Does it not happen in many places in the West Riding that persons leave their residences before eight o'clock in the morning, and are absent the whole day attending their business in some other part of the county?—But on a great occasion like that, they can surely devote an extra half-hour to go to the poll, if not they do not attach much importance to the privilege of having a vote.

130. But they may prefer to spend their whole time at their place of business in a town which may be at some distance from their residence?—It would be an infraction of the general rule that a man must poll at the place where he resides, and if you allowed it, it would introduce very great opportunities for wrong doing.

131. Why

Mr. *Baxter.*

6 May 1870.

131. Why should you deny to residents within the county the privilege which you give to the out-voters?—The out-voter gets that privilege simply because of the impossibility of voting at his residence.

132. Carrying out your principle, you would make the out-voter poll where his property is situated, would you not?—No.

133. He is probably known where his property is situated, is he not?—That does not follow. A man may have a qualification only, and he may not go near the neighbourhood.

134. However, your objection to the proposal is based entirely on the ground that it might encourage personation?—Yes; you might have this state of things, that unscrupulous people might send in claims for other voters, to vote at another district, and then get personators to go and personate them.

135. Do you think that personation does prevail to any considerable extent at present?—No, it does not. But you are now talking of the ballot, and personation does exist, and in Middlesex it exists more frequently than is supposed.

136. In the North Riding of Yorkshire, a great many persons whose places of business are in Middlesborough and Stockton, reside at a distance of 15 or 20 miles, who leave home before eight o'clock in the morning and are absent the whole of the day; would you force those men to go back to poll, or would you make them stay at home beyond their ordinary time on purpose to vote?—They ought to stay at home until eight o'clock in the morning for that purpose.

137. Is there anything unreasonable in suggesting that they should be allowed to vote at their place of business instead of at their place of residence?—If you could only confine it to the place of business there would be nothing unreasonable in it; but you are introducing a general rule which would not confine it to a man's place of business.

138. But you may introduce that general rule with qualifications, the object, of course, being to allow a person to poll as readily and as conveniently to himself as possible?—Yes, no doubt, that is the object.

139. You say that the effect of the present system is, that the Registration Society virtually control the register?—No, I do not say that they control the register, but they take all the care that is taken about the register.

140. I understand you to say that you apprehend that the register would be swamped by new claims if costs were allowed in some cases?—If costs were allowed, as a rule, in the case of new claims; and if a clause were put in requiring the objector to a new claimant to specify the grounds of objection, that would so discourage objections to new claims, that there would be no security for the preservation and accuracy of the register.

141. Do you think that every possible facility should be given to persons declared to be entitled to the franchise by being placed on the register?—There should be that facility given to persons who are actually entitled to it; but you must not go over the line and give facilities to persons who are not entitled to it.

142. But the requirement which you suggest, of proving the qualification in every case, virtually imposes a very considerable tax on new claimants, does it not?—It does impose a certain tax on new claims; but you cannot avoid that. Mr. James, who is a most experienced agent, puts it very strongly. He says, at Question 352, in the Minutes of Evidence of the Committee of 1864: "Indeed, the time between the publication of the list of new claims and the last day for giving notices of objection is so short, that there is no opportunity in large constituencies for making that investigation which is necessary to arrive at the *bona fides* and proper character of the several claims sent in. Therefore, the notice of objection served is not a litigious notice as one by an objector against a qualified registered elector, saying, 'I want to get you off the register, and I, therefore, object to your registration;' but it is simply a notice, that 'Having claimed to be registered, I call upon you to give some evidence of your right.'" I think that is the best way of putting it.

143. Do you not think that that might be entirely met by enlarging the time within which notices of objection are to be given?—No, not entirely; suppose you gave two months' notice of objection, you would still have this difficulty to contend with, that the man has perhaps a *primâ facie* claim; but one that cannot be sustained; yet the objector does not know what the precise point is until the title has been looked into.

144. I understand you to say that the practice now is to object to all the claims, and then to withdraw a certain number of them?—Yes.

145. Do you not think that that practice is exceedingly objectionable?—I do not see how it can be avoided.

146. But why should you not extend the time which you suggest should be taken to investigate the claim?—That would do something towards it.

147. Might it not get rid of the difficulty altogether?—No; take the first case, that the objector must specify the grounds of objection; he cannot always do that, because he cannot know whether a man is entitled or not; he cannot know whether a man has a less interest than that which would entitle him to come on the register.

148. In your practical experience, have you very often found that property is mortgaged to such an extent, as to deprive the owner of the right to vote, except in the case of building societies?—Only in the case of small owners and building societies.

149. Does it not happen very rarely that the man has not at least 40*s.* over and above the interest on his mortgage money?—Generally it is so, no doubt, but that is only one of the cases; and until a man has tested and proved his claim, you do not know where the point is, and the man himself does not know; it is only when the settlement or will is looked into, that the truth comes out.

150. Is it not a very great tax on a poor man that he should be forced to attend the Registration Court sometimes day after day to prove his title to be on the register?—No doubt it is a tax, but I would meet that by having an officer whose duty it is to investigate the claim, and put him on; the reason why you are forced to tax him thus, is that you have this voluntary system which must be watched.

151. You very much prefer a self-acting system, if a good one can be devised?—Yes, if it can be worked by good officers, not the present overseers.

152. I

152. I think I understood you to say that the Scotch system is an admirable one?—Yes.

153. In what respect does that observation apply?—The owners as well as the occupiers are registered up closely. A gentleman of great experience wrote to me from Scotland, and said he had one objection to it; that is to say, that the majority of the owners in his county were against him, and that under the old system of claims they did not take the trouble to claim, and, therefore, he could maintain his ground; but, under the present system they were so closely registered up, without their knowing anything about it, that he was always in the minority.

154. You prefer the Scotch system, because they are qualified local men, and permanent men?—Yes, they are local men.

155. Persons connected with the valuation district?—Yes.

156. Are you not aware that in this country we have proper assessment committees in every poor law union in the kingdom?—Certainly you have. There is an Act of Parlisment which says that they ought to be appointed, but they can do nothing without proper local men.

157. But do you know (certainly there is my own part of the country) whether there is in the north of England one assessment committee for each poor law board of guardians?—Yes, there is one for every union. But then they break down because they are compelled to rely upon those annually appointed overseers, who are not sufficiently acquainted with the property or the law.

158. Is there not in connection with every board of guardians an assessment committee elected annually from the board?—Yes.

159. And have they not a clerk, who is usually the clerk to the guardians?—Yes, but that clerk is a gentleman, who sits in his office, and in a town, and he knows nothing whatever of the farms and the houses all through the villages and country-places.

160. You say that he is generally a professional man?—Very commonly that is the case.

161. Does it not happen in very many cases that the clerk to the board of guardians fills no other office than that of clerk to the guardians and registrar?—Yes, no doubt that is the case sometimes, but in the majority of cases he is a professional man.

162. In the discharge of his duties as clerk to the assessment committee, is he not brought in contact with every overseer throughout his district at the present time?—I dare say that he is in a brief manner.

163. And is there not deposited with him a proper assessment list containing the whole of the property in each parish or township in his union?—Yes, I dare say that is so.

164. Is not that list revised from time to time, and are there not additions made to it?—The revision is by the overseers, who are in my opinion incompetent to revise it properly.

165. But it is revised by the assessment committee themselves, is it not?—Yes, but they cannot have the necessary local knowledge of the subject, it is only a man who goes from house to house who can obtain that local knowledge.

166. But is it not the fact that almost in every considerable place there is a paid assessment overseer in connection with the ordinary overseer?—There is in a great number of places, and that is what I want to have extended to other places.

167. Do you know that that is the practice at the present time in many unions, and in the north of England certainly?—Yes, in the case of Poole, Mr. Houliston is a most intelligent overseer.

168. If you had that system extended do you think that it would practically work tolerably well?—I think so.

169. Is there anything whatever in your opinion in connection with the system in Scotland that is better than the system about which I have been asking you?—The system about which you have been asking me would practically be a translation into England of the Scotch system.

170. Or a general extension of the system which is already in active operation in the north of England, and certainly in my own union?—Yes, but then the Scotch system includes not only making up the valuation by paid assistants, but it includes the registering of the men who are found on that valuation list.

171. Would it not answer every purpose if the clerk to the assessment committee were made the head of the staff for the general registration of voters within his union?—No, that is where, in my opinion, the Report of Mr. Harcourt's Committee fails. It proposes a special staff of people who would be a great expense to all the parishes, because they are not deriving their chief employment and subsistence from what is the main part of the work, that is to say, making up the valuation and rate book. You cannot introduce people *ab extrâ* for this particular purpose; you must take actually a man who is in contact with the earth.

172. But you have also an assessment committee whose duties embrace every township within the union, have you not?—I look upon the assessment committee as deities of Olympus, who sit and direct the people below.

173. Did you ever serve on an assessment committee?—No.

174. Did you ever attend an assessment committee?—No.

175. Then you do not know, as I know, that they are as practical a body of men as it is possible to collect in any union?—I have no doubt that is so; if they were not, their valuation would be very much worse than it is. But still no gentleman or farmer who has only that general knowledge, can do the work accurately; he can only import a certain amount of accuracy into it, and unless you get a thoroughly well-informed man to do the dry work of cataloguing, you do not get complete correctness.

176. If the valuation list is perfect it should contain the names of the occupiers and owners in the township, should it not?—Yes.

177. As a matter of fact, have you any reason to doubt that that list is, generally speaking, very perfect?—I dare say the occupiers' list is perfect, but I can give instances from my own knowledge of an owners' list where the same name has stood for 50 or 60 years in the column, the person being dead and gone for half the time.

178. The owners name being as a rule indifferent?—Yes.

179. But if it were enacted that the overseers should make their list perfect in all respects, would there be any difficulty then?—Yes, there would; because when you have got a man elected

Mr. *Baxter.*
6 May 1870.

for a year only, a man of bad education, and perhaps almost a stranger to the parish, he will not understand the in's and out's of the freehold, copyhold, and leasehold property, so as to put it in accurately; you want a man used and trained to the thing. If you had what other countries have, and what there is no reason why this country should not have, a proper register of landed property, in which everybody's name and possessions were catalogued, that would be perfect, but at the present time this country is behind nearly all other countries in civilisation on that point.

180. Do you find the freeholders', copyholders', and leaseholders' property very much more mixed in counties, generally speaking, than in boroughs?—Yes; sometimes it would puzzle a very experienced man to find out which it is.

181. But those cases are very rare surely?—No, you may have copyhold manors such as those near Wakefield. There is a very large copyhold manor there which runs almost undistinguishably with the freehold and copyhold, and in investigations into title it is almost impossible to find out which it is.

182. It is beyond the scope of the Committee, but is there any great reason why the franchise should not be assimilated in the case of freehold and copyhold property?—No, I think not; copyhold property is nearly as good as freehold property.

183. If that were done then your great difficulty would be removed, I suppose?—No doubt it would a little simplify the thing.

184. I did not quite clearly understand how you answered the question whether you were in favour of having in each rate-book a column for tenure?—Yes; first of all I would put into the owner's column the owner's name and his residence, and I would add there the beneficial owner as well as the residence.

185. What would be the advantage of putting the residence in?—That would be essential for the purpose of registration and for collecting the rates also; you cannot do anything without the residence. Then, in another column, I would insert the tenure and any other particulars.

186. Would not that make the rate-book very unnecessarily complicated and very much more voluminous than it need be?—It would be only a single column more.

187. There would be a column for the owners?—No, there is one now.

188. Then there would be a column for the residence in addition?—No; I would put it in the owner's column.

189. You would have the beneficial owner and the legal owner?—Yes.

190. In nine cases out of ten they are the same, are they not?—In a great number of cases, no doubt, they are.

191. But why have the legal trustee at all on the rate-book; why not confine it to the beneficial owner?—I think that you must get the legal owner.

192. Why must you get the legal owner; for what purpose?—Because the legal owner would be the man who has the legal control over the rents, though he is compelled to hand them over.

193. But he has no right to vote, has he?—No, I mean now not for the purpose of the register, but for the purpose of the rate-book; I do not want it on the register; I speak of the rate-book valuation.

194. But why should it be only for the rate-book? So far as they apply to the registration of county voters, you think, for that purpose, the legal owner would not be necessary?—No, not for the purpose of the vote, but he would be necessary for the purpose of the rate-book.

195. I think you qualified the opinion which you expressed at first with regard to keeping a freeholder twice on the register?—No; I remain of the opinion that I would let a man remain twice on the register who happened to be a freeholder.

196. That is to say, you would propose that a man who happened to be a freeholder should remain twice on the register?—Yes; I would let him remain on for two freeholds.

197. Would you allow the same thing with regard to copyholders?—I mean two property qualifications.

198. But you would not let the same thing apply in the case of a man who was an occupier in two parishes, I presume?—The present law does not allow that; if the revising barrister finds that a man is an occupier in two parishes, he will strike him out of one. I believe they do so.

199. Mr. *Brand.*] The revising barrister is obliged to strike out his name, is he not?—I think so.

200. *Chairman.*] Will you be kind enough to point out the clause, in the Reform Act of 1867, which prevents a man being on the register in respect of an occupation in district A and district B?—It is the Registration Act 1868, (31 & 32 Vict. c. 58, s. 19) which says, "The revising barrister shall erase from the separate list of such occupiers, all persons who appear to him from the accompanying lists to be entitled to vote in the same polling district in respect of some other qualification to which no objection is made, except where such person objects to the erasure."

201. Mr. *Dodds.*] You made an observation just now with regard to the Bill I had the honour of introducing into this House; will you kindly turn to the 4th clause of that Bill; do you find that the ground of objection required is to be specifically stated at present in every case?—Not for new claimants; that was specially excepted by the Act of 1865.

202. Is there any reason why a man who claims for the first time should not have the same notice given to him as the person who was registered beforehand?—Yes; the old registered voter is presumed to have shown his title; he is on the register, and the whole of the year may have been devoted to looking up any flaw in his title. The new claimant has not shown his title, and there are only 18 days in which to look him up.

203. Suppose that 18 days were extended to a couple of months, and the register were made up before the 31st of July, would your objection still continue?—That would diminish the difficulty, but it would not remove it. In Middlesex it would be impossible to investigate the claims in those two months.

204. But you do, in fact, investigate them now to a certain extent, within a limited period, do you not?—Yes; but we have the power to make them test their claim in the revision courts.

205. That is to say, making men shake their heels day after day in the revision courts?—That does happen sometimes.

206. Does not that system practically disfranchise

chise a great many persons who are entitled to be on the register?—No doubt it does disfranchise some, but it keeps off others who would not have the right to be on.

207. But does it not keep more off who ought to be on than who ought not to be on?—No; for this reason: neither political side objects indiscriminately for the purpose of striking off voters. The objections are sent out, each side objects to all whom it does not know to be its own friends, and then, as the time of revision comes on, they exchange lists and make use of all the information they can, and perhaps more than half of the objections are withdrawn. These are a very small number, in comparison, who come before the revising barrister, therefore the hardship is reduced to a minimum.

208. But according to the present system you may object to every person in the new list, may you not?—Yes.

209. You may persist in an objection to the last moment, and the parties would be compelled to appear and prove their claim, would they not?—Yes.

210. They would not be entitled to costs in any way?—Just so.

211. Do you think that that system should be continued?—You might entirely remove that objection by enacting that everybody should be entitled to have a vote without proving it.

212. But do you think that that system ought to continue?—Yes, I do, and that is the opinion of the vast majority of the revising barristers, and revising advocates.

213. Is it the opinion of those who are entitled to be on the register, and are very often struck off in consequence of groundless objections?—No doubt they would feel hardship from it.

214. Do you not think that Parliament ought to remove that hardship?—My opinion is, that Parliament ought to remove that hardship, if it can do it without introducing inaccuracies into the register.

215. I did not quite follow the explanation which you gave of your views with regard to the declaration accompanying a new claim, but if I rightly understood you, you think that ignorant persons might make false declarations?—Yes, my opinion is that they would sign whatever was put before them; they would go to the agent, who might be an unscrupulous man, and people generally do not read over legal documents; they sign what is put before them, having confidence in the person who put the document before them, that is what they would do in that instance, I think.

216. Would they not have confidence in the agent who put before them this proper declaration?—Yes, they would have confidence in the agent, but whether the agent, who might not himself be a very educated man, would put before them an accurate and fair declaration, is another thing. Of course he would naturally blink his own weak points.

217. Do you mean to say that these statutory declarations, in the nature of an oath, would be indiscriminately signed?—That is my opinion; it would be so, no doubt, in a very large number of constituencies. Those men do not know; they believe that they are freeholders when they are not.

218. Do you believe that people would sign the declaration without any reasonable or probable cause?—I believe that they would sign it without having reasonable or probable cause.

219. Although by signing it they might expose themselves to a criminal prosecution?—No, they would not expose themselves to a criminal prosecution.

220. Why not?—Because the answer the man gives is, "That was put before me by a man in whom I had confidence, and I did not understand it all."

221. Do you think that answer would discharge a man who was indicted for perjury?—Yes, I think that no jury would convict him under those circumstances.

222. When you speak of a declaration did you contemplate a statutory declaration under the provisions of the Act for the Abolition of Unnecessary Oaths?—Yes. Besides, why should you put a man in such a position that he is likely to commit perjury, as you put it?

223. It is rather yourself who put it, is it not?—No; why should you give him this declaration to sign which, from his ignorance of the law, may entrap him into perjury.

224. At present even the notice of objection to a person upon the register does not state satisfactorily the ground of objection, does it?—For old claimants it does.

225. Is there not a very important exception or limitation in the clause which applies to that point?—Perhaps the honourable Member will kindly point it out to me.

226. The 6th section of the County Voters Registration Act, 1865, contains the following proviso: "Provided always, that if the objection be grounded on the third column, then it shall be necessary to state in the notice whether the objection relates to the nature of the voter's interest in the qualifying property, or to the value of the qualifying property, or to both"?—Yes, but that is no exception. I should mention that there is one set of objections that are not included in that form, and which were rather difficult to put into it. I have always advised that they should be put in under a separate heading, personal disqualification; parochial relief; being under 21 years of age; holding certain offices; being an alien or a lunatic. That is the only omission that I know of.

227. Where the revising barrister has power to award costs the amount is limited to 5 *l.*, is it not?—Yes.

228. Does it not very often happen that that is a very inadequate compensation to the person objected to for loss of time and expenses?—It may be.

229. But is it?—In some cases no doubt it is, but you must have a limit.

230. Why must you have a limit?—Because otherwise people who take upon themselves the thankless office of objecting would not know the liability which they were incurring.

231. But it is not always a very thankless office, is it?—Yes, it is a very thankless office.

232. But it costs from 900 *l.* to 1,000 *l.* a year on each side, I understood you to say?—No, the costs of the objections are a very small part of that.

233. But is it not reasonable if costs are to be awarded at all, that the measure of the costs shall be the actual expense incurred by the person objected to, and compensation for reasonable loss of time?—No, I do not think so.

234. I was objected to two years ago, and I happened

Mr. *Baxter*. 6 May 1870.

happened to be in London during the time when the revising barrister was sitting; do you think it would have been reasonable that I should have gone down to Stockton to prove my qualification, and remain there a couple of days and come back again, and be only allowed 5 *l.* for my expenses and loss of time, the objection being frivolous, or groundless; would you think that reasonable?—No, that is a hardship, no doubt.

235. Do you think that that hardship should be removed?—I think that the sum of 5 *l.* is quite high enough; you have always to strike the balance of disadvantages in such questions.

236. But do you think that that hardship should be removed or not?—It should be removed no doubt, if you did not, in removing it, introduce another hardship which is a hardship on the objector.

237. But is it a hardship to make a man responsible for his own act?—The objector's object is to clear the register of bad votes, and I do not see why he should have an unlimited liability imposed on him while fulfilling that object.

238. You have no doubt read the 5th section of the Bill introduced into Parliament by me?—Yes.

239. The liability is expressly limited in this way: "Such costs not to exceed the actual expenses incurred, and compensation for loss of time." Do you think that an unreasonable thing to insert in any measure for altering the law?—Yes; because you being on the register of the county are presumed to be resident there, and you ought not to have unlimited costs provided for the case of your being 300 miles away.

240. But as a fact in your experience do you find that persons on county registers are presumed to be resident in the county?—That is the original presumption of the register; it is an accident that they are allowed to be non-resident. The result of what you suggest would be this, that a number of men who lived in London, for instance, would have a much greater certainty of not being objected to than the same number of poor men who lived in the county. The objector would say, "I will not touch this man whether he has a good or a bad vote; it would not be safe;" while a man who was living on his property, and more truly fulfilling the province of a voter than the other person, would be called up to prove his vote, because the liability to costs would be so much less.

241. Now, with regard to the 6th clause in the Bill of the present Session, that clause says, "The revising barrister shall, on the revision of any register or list, have power, in case of objection, to make any alterations or amendments;" this power is limited at present, is it not?—I think that that 6th clause is substantially the present law; if you look at the 6th Victoria, chapter 18, the County Registration Act, section 40, you will find that it is almost exactly the same.

242. But it is not exactly the same, is it?—I think it is. You say that he shall be allowed "to make any alterations or amendments whatever, provided that no new qualifications be inserted;" that is pretty nearly what I understand the law to be at the present time.

243. Are there many cases that come before the revising barristers, where amendments are not permitted?—There are, where a man states the nature of his qualification wrongly altogether, and says he has a freehold qualification, whereas it is leasehold.

244. Are you of opinion that where the person objected to has a *bonâ fide* qualification the revising barrister ought to have very enlarged powers of making amendments in the register?—Yes, if the claim has not been made so as to mislead the person who inquires into it.

245. But why, if it has misled the person who inquires into it, should it not be amended?—Because you would have a system growing up expressly to evade objections. A man might put his vote as a different qualification from what it really was, and then the objector does not state the point; that would be a common dodge.

246. Does it often happen that a man claims erroneously for the mere purpose of misleading the objector?—Not at present.

247. Do you know of any case that you have ever seen or heard of, where a claim was put down wrongly for the purpose of misleading the objector?—No, but I do not go round the revising barrister's courts. If you were to ask some of the gentlemen who come after me, perhaps they will be able to give you instances of that.

248. But you do not know that practically a case has arisen such as that which you have referred to?—I know, from talking with those gentlemen, the general opinion with regard to what the danger would be of such a change.

249. You think that my clause would make a change in the law?—I think it would, but I was speaking in answer to you on what you asked, namely, was it not right that when any man had a *bonâ fide* qualification, he ought to be at liberty to have it amended, and be put on the register, whatever might have been his claim; that is quite a different proposition from the 6th clause.

250. The object of that clause was to give the revising barrister enlarged powers of correcting any mis-description where he found that a man was *bonâ fide* entitled to be on the register; should not the barrister, in your opinion, have the power of amendment in that case?—Yes, a proper power of amendment.

251. Unlimited power of amendment, provided that he put no new qualification on the register; are you of opinion that my clause does not improve the existing law in that particular?—I think it will not, and such is the opinion of many very experienced gentlemen whom I have talked to.

252. Now, with regard to the 7th clause, which is, "Overseers to give lists to the clerk of the peace, and supply copies on requisition;" you have stated that you have not gone round the revising barrister's courts yourself, and probably you do not know the difficulty there is in obtaining lists from townships where the overseers and voters are all of one particular political complexion; are you aware of that difficulty?—There is no doubt great difficulty in obtaining the lists sometimes.

253. Do you not think that persons who take an interest in the matter should be enabled to procure those lists readily without sending special messengers for them to a distance of 10 or 15 miles, as frequently happens?—I think it reasonable that there should be facilities; the law has thought it reasonable, and it is now the law.

254. Will you refer me to the section which defines

defines that?—You can, on paying, obtain a copy of the register.

255. How?—From the overseer.

256. You mean by applying to him?—Yes.

257. Personally?—Yes.

258. Can you, if you apply, remit the fee by post?—I cannot answer that question, but I may say that in practice we do get them by post.

259. Practically you obtain them from your friends by post; but suppose you are applying to enemies, what then?—In that case we write to somebody in the parish.

260. But suppose there is nobody in the parish who is on your side?—I hope that is a very rare case.

261. But suppose it does so happen, how do you act?—We should send some one from the next parish.

262. And do you practically obtain the lists?—Yes.

263. Am I to take it that that is your answer?—Yes. Besides, this clause is defective in its very framing; it omits any mention of paying for the lists. The consequence of that clause would be that the overseers of a parish might have to send to 50 or 100 people, all over the country, copies of the lists at the expense of the ratepayers without obtaining anything in return.

264. Could not that clause have been amended in that particular?—No doubt.

265. But why do you think that 50 or 100 people all over the country would amuse themselves by writing letters to overseers for lists which they did not require?—People would write for lists in order to know whether they were themselves on the register.

266. And would it not be reasonable that they should have that list?—Gratis?

267. Do you think it reasonable that persons interested should be entitled to get through the post any list which they required upon the payment of a proper fee for it?—Yes, certainly.

268. Are there in the law now any provisions to enable persons to obtain copies of the list through the post?—I do not know that the post is mentioned, but on a personal application, and on paying for the list, they are entitled to have it.

269. Then perhaps my 7th clause does contain something new?—The provision with regard to the post is new.

270. You have not in your experience found the necessity for that?—No, we have always managed without it.

271. You have always managed to obtain them by post?—Yes, we have always managed to obtain them by post, we get somebody to send them.

272. Does the 8th clause remedy the provisions of any clause now existing, the 8th clause being that the overseer shall make oath of the accuracy of the list?—I do not see the use of it.

273. But do you know any existing provision in any Act of Parliament of a similar kind?—No, certainly not.

274. Then that clause is new?—That clause is new, and I submit unreasonable.

275. Do the overseers now make out the jury lists?—Yes.

276. And do the overseers, when they take those jury lists before the magistrates, swear to their correctness?—I daresay they do.

277. But do you know?—No.

278. Supposing that is so, do you think, that with regard to the list which is prepared by the overseers, it would be reasonable that they should verify it in a similar manner?—I demur to that being quite as important a list; the jury are to decide with regard to life and of property in disputed cases, which is quite a different thing; it is merely that the persons stated to be there are qualified to be jurymen. Here the overseer is to swear that a list is correct which contains an immense multiplicity of different statements.

279. In fact, merely a list of persons who are to return the men who are to represent them and make laws for this country. You regard that as unimportant, do you?—No.

280. But you regard it as comparatively unimportant, do you not?—No; but I do not see the use of introducing oaths for such purposes. I think it would be considered rather a slur upon the overseer to put him to his oath for such a thing as a list.

281. You have given the overseers a very good character this morning; you say that they are generally excessively ignorant?—Yes, and that is the reason why you should not put them to their oath.

282. Then does not the same reason apply with regard to the jury lists?—Not to the same extent.

283. Do you not think that the overseers, in their ignorance, may swear erroneously with regard to the jury list?—Yes.

284. I suppose you have observed in the 16th line of clause 8 that the overseers are merely to swear that the lists are "to the best of their belief correct"?—Yes.

285. Will they have any difficulty if they discharge their duties fairly in swearing to that?—No; but what is the use of it; what additional security does it give you.

286. But what I ask you is, whether there is any difficulty about it?—There is no difficulty in swearing to any proposition that any man knew to be correct to the best of his belief; but the question is, whether it is desirable to introduce new oaths.

287. Do you think it unreasonable to ask the overseer, or the person charged with a particular duty, whether he has in any way knowingly infringed the provisions of any Act of Parliament?—I think it is a matter of supererogation; he would say, "of course, I have not."

288. Your opinion is, that the clause is a bad one, but the principle is novel, is it not?—I do not say that it is bad.

289. Then, what is your opinion of the 8th clause of my Bill of the present Session; is it a good clause or a bad clause?—I do not think that it is a useful clause at all.

290. You do not think that it would tend to make the overseers a little more careful than you describe them as being?—No, you cannot cure ignorance and unintentional inaccuracy in that way.

291. Your experience teaches you that overseers are extremely ignorant, as a rule, does it?—In some places they are.

292. You have not been in the county of Durham, I hope?—No, I do not know the county of Durham; there are a number of overseers who are very intelligent men; but you must judge of a system by its weak points. In the 9th clause of your Bill, I believe, there are powers given which already exist.

Mr. *Baxter.*

6 May 1870.

293. Will you point out to me the clause under which the powers which the 9th clause proposes to give exist. Will you take upon yourself to say that there is now power to inspect the valuation list at the office of the clerk to the assessment committee?—I will look at the Acts of Parliament; but that is my present belief, and it is the belief of those who have looked into the matter.

294. Mr. *Brand.*] It is only on the payment of a fee that that can be done, I believe?—Yes.

295. But this clause proposes that it should be without the payment of a fee?—Yes, this is without the payment of a fee.

296. Mr. *Dodds.*] Is there any power now to inspect the valuation list at the office of the clerk to the assessment committee?—I think, on the payment of a fee, there is. Here is the 31st clause of the Union Assessment Act of 1862.

297. Will you be kind enough to read that clause?—"The Committee shall cause a copy of the valuation list for the time in force for every parish in the union, to be made and deposited at the board-room, or other convenient place to be appointed by the board of guardians, in the custody of the clerk, which copy shall be open at seasonable times to the inspection of any of the guardians of the union, and of any overseer of any parish within the union, without charge, and of any ratepayer within the union without charge, and of any ratepayer within the union on payment of 1*s.*, such fee to be carried to the account of the common fund."

298. Now is there anything in that section that authorises any person authorised by a ratepayer to make that inspection?—It says "any ratepayer."

299. But when you have gone down to the West Riding of Yorkshire, have you, under that provision, inspected any valuation list in that county?—No; I am not a ratepayer, and I could not legally do so; but it would be the easiest thing in the world to obtain some ratepayer to do it.

300. Then, with regard to the 10th clause, are the revising barristers, in your experience, in the habit of consolidating the revision courts and holding a court for two districts in one place?—They are necessarily so.

301. Why necessarily so?—I will give you, as an instance, the South-west Riding of Yorkshire. We have there, I think, 44 polling districts; there used to be about 17. The justices met under their new powers and they increased the number to 44, which will be an enormous boon to the county at the next polling, and will save immense expense; but it would be quite useless for the revising baristers to hold courts at all those 44 places.

302. Why would it be useless?—Because it was made for the convenience of polling and not for the purpose of revision, and in practice it is found far more convenient for everybody concerned to hold those courts at the old 17 principal polling places, and that is now done. You will find reclamations from every revising barrister throughout the kingdom against that clause.

303. Do you not think that that arrangement was made for the convenience of the persons who are placed on the register generally?—Yes.

304. Does not that apply equally to the attendance at the revising barrister's court as much as to the attendance at the polling places?—Certainly not; because when you poll, you might take a school-house, or public-house, or any kind of building that will hold a booth, and they have nothing to do but to drive up to the place, which is a place *pro hac vice*, and when that polling is over, the booth is done away with.

305. Would not the same place do for the revising barrister to hold his court in?—No; because where you have a court, you must have some central place, with accommodation for the revising barristers and the people.

306. Polling places are not formed unless there are a considerable number of voters, are they?—You may have a considerable number of voters in a village. The reasonable thing would be to have a polling place in every village. This clause would be a terrible tax on the revising barristers or the revising advocates.

307. We do not care about the advocates?—But they have to be paid.

308. If I understand you rightly, you would tax the poor people in the village, and force them to go a considerable distance, when the revising barristers, who are paid, might come to them?—No; but I suppose they themselves would object to that arrangement.

309. Why would they object to it?—If you went down from London to a village, and had to wait half a day to transact your business at a butcher's shop or a small school house, no doubt you would object to it.

310. I should not object to wait for half a day; but I speak now of persons who reside in the village; it does not signify very much whether a man claiming to vote for Middlesex, for instance, goes to Brentford or Uxbridge. But take the case of persons resident in a village, would it not be very inconvenient for them to go to a distant place to have their claims adjudicated upon?—No.

311. They would rather like it perhaps?—No. It is only a few people out of every one of those districts; you cannot drag about the whole county the officers of the court and their paraphanalia.

312. Who are the officers of the court?—You must have a certain following to the revising barristers.

313. Why, we have the revising barristers without any following?—You have the political agents on each side, and those whom they employ.

314. We do not care about them; but would you not by your proposal be compelled to take the overseers from their own village to a distant village to produce the lists?—Not to a distant village but to the town.

315. To a distant town then?—Not to a distant town, but one near. But whether it was a distant town or a near one, the overseers would rather go to the nearest town than to hang about the village.

316. Is that your experience?—Yes.

317. Can you tell me of an overseer of any place in your experience who would prefer that?—I have not talked to overseers about it.

318. You have heard no complaints from overseers of the inconvenience of consolidating places in that way, have you?—Yes, I have.

319. Then, do you think that those complaints should not be redressed?—Of course they should have reasonable redress, but to make it obligatory on

on the revising barrister to go to every polling place to hold a court, is, in my opinion, an unreasonable redress.

320. Either the revising barrister must go or the persons whose names are placed on the list by the overseers, or the overseers must go to him?—Yes.

321. You think that the claimants should be forced to go to a distance and not the revising barrister?—No; when you have a court held at a certain place you must concentrate upon that place a reasonable number of people who have to attend it; it is of no use having a court for a very small number of people to attend it.

322. Nor, I suppose, a polling place for a very small number of voters?—That is quite a different thing, for everybody on the register applies to exercise the franchise, but the objections are only a very small per-centage.

323. With regard to the 11th clause, did your observation apply to that clause also which was prepared by my honourable friend the Member for Essex?—That, as I have endeavoured to explain, would I am afraid be a new source of disorder.

324. Sir *Edward Colebrooke*.] If I understand you rightly, you propose to have an officer appointed expressly for the purpose of revising the list, that is to say, a change in the law with regard to the appointment of overseers?—I would have the valuation first, the rate book and the registration afterwards, done by assistant overseers instead of the present annual officers.

325. By whom would you have them appointed?—By the board of guardians; by the union.

326. At present the assistant overseer when appointed is a parochial officer?—Yes.

327. You would have those appointments made by the union?—Yes.

328. Is there any remuneration at present assigned by the Act of Parliament to overseers for making up the lists?—Some remuneration is awarded to them by the revising barrister.

329. To whom would you assign that duty now?—I forget how it is done in the Scotch law; I think, it is done by the county.

330. But, in your opinion, what body should be entrusted with the important question with regard to assigning proper remuneration to overseers?—I think that the assessment committee should be entrusted with that duty.

331. Do you think that boards of guardians would generally act from a sense of public duty in matters of that kind?—I think so.

332. Would it not be better to do it by the Court of Quarter Sessions?—That is too large a body, perhaps, but there would be no objection to that. At the present time the Poor Law Board has the power of checking the board of guardians.

333. But that duty of assigning remuneration to the overseers would, in your opinion, require to be done under some check?—Yes, I think so; and, moreover, I think that the Court of Quarter Sessions would be a very proper tribunal to correct anything which it was thought required checking.

334. Have you ever considered the propriety of making the property tax assessor perform the duty?—I have considered that question, and it has been suggested, but it would not do. The property tax assessment is made out in quite different divisions from what the poor rate is. In some places they are called tithings. They divide the property of the district into so many tithings. It is quite accidental whether they are coincident or not with the different parishes; you might have the property tax assessor called on to make out half of one list and half of another list, but could not have the parochial officer called on in the same way.

335. He would gather the facts from the parochial officers; he is now the assessor of that valuation?—Yes.

336. He would have exactly the same material from which to make out the list as the officer whom you suggest, would he not?—Ultimately it would work into this, that the valuator and the income-tax man would come to be the same; but I do not think it can be so at present, because the territorial limits are so different.

337. But you are aware that at present there are many counties in Scotland where those officers are the same, are you not, and it facilitates the working?—Yes.

338. With regard to the present mode of working out the valuation list, there is no fixed time of the year appointed for that purpose by an enactment in any Act of Parliament, I believe?—I think not; but it is merely when the committee choose.

339. Do you not think that, with a view of making the men work together, that valuation list should be made out at certain fixed times?—Yes, it would be a very good thing to have an annual revision.

340. If the valuation was made, say, at the close of the year, and the lists revised six months afterwards, there might be a great number of changes, and the list might be corrected up to the last period, might it not?—Yes; I think it would be a very good rule that that list should be made up to a certain date.

341. I presume that no inconvenience would arise to the guardians from its being made imperative that they should make out the list in that manner?—I think not.

342. In making out his list the assessor would have to rely a great deal on local knowledge or inquiries?—It would be an inquiry from house to house.

343. In Scotland the county assessment is entirely on property?—Yes.

344. Entirely on the owners?—Yes.

345. The assessor is assisted by a stringent law in compelling people to give returns; you would not contemplate any compulsory powers of that kind?—Not for this purpose; but the Committee which is sitting in another room might think proper to propose compulsory powers of that kind.

346. But you think that by local inquiries from house to house, the officer you speak of would arrive at a tolerable certain knowledge with regard to the owners?—I think that a very good general knowledge would be obtained by the officers, just as it is in Scotland; there would be a certain residuum of obscure interests which would be left to claim.

347. But it would remove a very large portion of the difficulties which now exist in making out a correct list, you think?—Yes; my opinion is that it would be a very great boon to the voter.

348. But then, one difficulty would remain which does not apply to Scotland, that he would not find it easy to get at the mortgages, would it not?—Just so.

Mr. *Baxter.*

6 May 1870.

349. The interests on mortgages are not deducted from the qualification in Scotland, I believe?—No.

350. But, with regard to mortgages, the officer would practically experience considerable difficulty, would he not?—Yes.

351. That is one of the uncertainties that would remain to be determined by the revising barrister, is it not?—It is.

352. Lord *Claud John Hamilton.*] You said it was your opinion that permanent assistant overseers should be provided for the purpose of making out the valuation roll; now, to whom would the responsibility attach in the event of its being made out incorrectly, to the assistant overseer or the annual officer; to the assistant overseer?—To the assistant overseer.

353. He would make them up for the annual overseers as their servant, would he not?—That is the present practice, that he makes up the valuation list.

354. But in the event of any change in the law, you would make him responsible?—I think I would.

355. I understood you to say that his appointment would be vested in the board of guardians, and that he would be liable to dismissal at any time?—Yes.

356. A case came to my knowledge the other day where two-thirds of a board of guardians last year were of one political faith, and this year four-sixths of the board are of the opposite faith; now, without any rhyme or reason, apart from political bias, they might dismiss a very efficient man; what remedy would he have in his hands in such a case as that?—I think the danger in the case of boards of guardians would be less; therefore you are diminishing the danger by this change.

357. You would allow the assistant overseer an appeal to the Poor Law Board, I presume?—I find that that is the case now.

358. You would not object, at all events, to allow him that appeal, would you?—No.

359. You consider that the apparent burden to the ratepayers which would result from the appointment of paid assistant overseers would in reality be a saving, on account of the time which they would gain in not having to attend the registration courts?—Yes, on that account as well as on many other accounts, and the greater accuracy with which the ratebooks would be entered up.

360. Though at first sight it appears to create additional expense?—It would repay itself.

361. You have stated with regard to personation, that you believed personation did not extensively prevail?—No, not now.

362. Is it not your experience, that at every election personation agents are appointed?—Yes, but then they work under great difficulties; for instance, in Middlesex it is almost impossible to detect personation.

363. But still those personation agents are appointed?—Yes, they are a part of the regular officers.

364. Are there reasonable grounds, in your opinion, for thinking that personation does exist?—The present law is, that a man must poll in the majority of cases where he resides, and where there is some knowledge of him; but if you introduce an alteration, that a man might claim to poll in another district quite away from his residence, it would diminish the personal knowledge of the voter.

365. And give rise to an increase in the evil of personation?—Yes, for the county of Middlesex, that would be a very undesirable change.

366. Mr. *Read.*] Do you think that the overseers of the poor, or the clerks of the assessment committee, would have the means of knowing the number of joint proprietors that owned a property?—The assistant overseers would have to inquire into that. All knowledge of detail about property could not be obtained perhaps in one year, or two years, but after it had been in operation some little time, the official in charge of that duty would obtain a very complete knowledge of the property in any district.

367. You think that he would know the nature of the qualifications, of the several hereditaments, whether they were freehold, leasehold, or copyhold?—He would make it his business to inquire into that, and he would obtain that knowledge.

368. Although that does not appear on the ratebook?—Just so.

369. How would he get to know the different fee farm rents, the rentcharges, and the groundrents?—That would be a question of value, which would be one of the things that the revising barrister would have to adjudicate upon. Are you taking them as diminishing the qualification, or as the qualification itself?

370. I mean as the qualification itself; I ask you how this parish officer would get to know all these varying qualifications unless it was the duty of the voter to make a claim?—As in Scotland, so in England; the owner of that latent interest would have to make his claim.

371. Would you abolish the parish overseers altogether?—No, there are plenty of duties for the parish overseers to perform.

372. But is not their business that of collecting and making the rates?—They have to look after the poor.

373. I was not aware of that; but you would have a rate collector for the unions, and these men should be permanent officers, entrusted with the preparation of the electoral roll?—Just so.

374. Do you not think that if boards of guardians had to pay those men they would wish to elect them and regulate their salaries?—Yes.

375. Do you think that boards of guardians would be satisfied with the courts of quarter sessions doing it?—No; I would say, let the guardians elect the officers themselves, and the court of quarter sessions should have the controlling power over them, if the Poor Law Board is not to have the controlling power.

376. The freeholders in the boroughs vote in the county; how is the overseer now paid for preparing a list of county voters on property in the boroughs?—He gets his expenses like other overseers; the revising barrister awards that to him.

377. But the occupiers and owners are two distinct bodies?—Yes; but still both duties are done by the same parties. The duty of an overseer in a country parish out of the borough is to send in his list of occupiers and his list of owners, and he gets paid his expenses; a borough overseer would merely bring in his list of owners and get paid his expenses.

378. Which

378. Which is a charge on the occupiers who have no interest whatever in the registration of the owners?—Yes, that is so.

379. The revising barristers are paid out of the Consolidated Fund?—I believe so.

380. But the expense of registration falls on the occupiers?—Yes, that falls on the occupiers modified by this, that they get a considerable part of that back from their owners from the ultimate incidence of taxation.

381. But the tax-payers are a distinct body, are they not?—Yes, they are.

382. You have said that it was the usual plan when the agents of the different rival associations met together, to give each other a list of the names objected to, and to give and take names, so that very few cases really come before the revising barrister?—The only portions that come before the revising barrister are those that are finally objected to.

383. Would it not be desirable, in making the objection, that it should be necessary for the objector to state the reasons of his objection?—That is the law now with regard to all but new claimants.

384. But I mean with regard to new claimants as well?—No. I say that the present law is the right one; you have the power of putting the burden on the objector in a great many cases.

385. But what power of objection have you against a man whose name appears in the rate-book as a 12*l.* occupier, and is so returned by the overseer?—The same as against an old voter; you have to specify your ground of objection.

386. But what I mean is, what chance have you of getting rid of that man?—Practically, I should say, very few occupiers are struck off, and very few objections are made against them.

387. Take the case of a man who has an occupation and is rated at 18*l.* a year, one half of that property may be in one parish and the other half in another parish, how does he get on the rate-book?—He would claim to get on; if the overseer knew the fact, he would very probably put him on without his claiming.

388. Take the case of a 50*l.* tenant, and a man who is assessed at 12*l.*; if he changes his qualification in the same county can he continue his vote by reason of continuous occupation?—Both of them can do that.

389. But both of them must be a year and nine months in occupation before they can claim their vote, must they not?—It depends upon the time at which they enter, but that is generally the case.

390. Are you aware that in some parts of the country, where grass land is taken by farmers at a considerable distance, it is a common practice for the owners of that property, for the convenience of the parish officers, to pay the rates, while the occupiers pay none?—I am not aware of that.

391. But if you were to abolish the Chandos Clause in the Bill of 1832, would the occupier not lose his vote?—He would get on by claiming, it being considered that his landlord paid it as agent for him; he would claim to be put on the rate book, as you do in a borough.

392. Mr. *Egerton.*] Are there complaints now made against overseers for abusing their power in keeping back or putting people on the register for political purposes?—I have heard of them.

393. Are they general, do you think?—Not very general.

394. I suppose the real check against that is the action of the registration societies?—Yes.

395. Do you think that that power might be improperly exercised if there were paid overseers?—It might be used improperly in a few instances, but as a general rule, paid officers consider themselves official persons apart from party feeling.

396. Are you yourself acquainted with the working of the Scotch system; that is to say, have you seen it in action at all?—No.

397. Do you know of any allegation against the officers who are concerned in registration for abusing their power for political purposes?—No. I have understood that they use it fairly, but in the northern counties Mr. Wailes complains of the overseers in his part of the country.

398. The way they do it is by keeping persons off the register, or by inserting claimants who have no right to be on the register, is it not?—They do it both ways.

399. But that can be checked in the revising barristers' court?—That is so.

400. It can only therefore be checked by giving a wide power of making objections by not restricting the power of making objections?—I would not restrict the power of making objections for that cause, because I think that such a change as this would diminish very considerably for the present the number of objections.

401. Mr. *Wynn.*] I understood you to say that at present you think one of the evils of the registration system to be, that it is no one's business either to purify the register, and remove the fictitious votes, or to put new votes on?—It is the business of no official person.

402. Do you think that any self-acting system could be devised which would not be open to the great objection of fictitious votes being put on?—Of course you must have that danger in any system; it is inseparable from registration, but there is the check of the power of making objections.

403. That being so, are you prepared further to deter parties from performing that duty by increasing the cost of objectors?—No; I should look with great jealousy on any increase in the costs; the present law is sufficiently stringent on the point, and if you increased the costs you would deter objectors and diminish the accuracy of the register.

404. I understood you to say that costs are not allowed in the case of new claims; is that by a recent clause in the last Registration Act, or do you put it only as the practice of revising barristers?—It is by the practice of the revising barristers.

405. You are aware, I presume, that by the Registration Act of 6th and 7th of Victoria, the same costs are given, in the case of objectors to new claims, as in the case of people already on the register?—Yes.

406. But, as far as your experience goes, the revising barristers have not been in the habit of giving costs in the case of new claims?—They have not; it is now the general rule. It began with Mr. Spencer Walpole; he gave the first decision on a case in the Middlesex registration, and that precedent was followed for a great many years. It was debated before the Committee which sat in 1864, but has continued from that time

Mr. *Baxter*. time down to now; it is now sometimes broken into.

6 May 1870. 407. But still without any legislative authority for that restriction?—Yes.

408. I understood you to say that you would limit the number of qualifications, for which any person should claim, to two?—Yes, I think so.

409. Those being in separate districts, I suppose?—Yes. It is not material that they should be in separate districts. I would give a man of property two chances of keeping his vote, so that if one happened to be struck off by any accident he could fall back on the other.

410. Even if both qualifications happen to be on the same list?—They would not be on the same parish list, but he might be in different parishes.

411. You must have had experience both in the West Riding of Yorkshire and Middlesex, of freehold land societies?—Yes.

412. Can you suggest any plan to the committee by which the validity of those votes might be better secured and better tested than they are at present. The claims under shares in freehold land societies which are passed from one another are usually proved simply by a document, are they not?—Yes. The great difficulty is in proving a sufficient value, and it is run very close, indeed; sometimes I have known a batch of 50 claims in which they have, perhaps, proved 3*d*. too much, or too little, in each case.

413. Have the claimants usually appeared to defend their votes in such cases?—It would be fought on one particular case; a great many cases would depend on one, the facts would be as much as possible admitted on both sides. But, in what are called mill cases, in the West Riding of Yorkshire, they bring valuers up; it is quite a field-day with them. They array the witnesses on each side, and that determines a whole batch of cases.

414. With only the attendance of one or two voters, there is one decision upon which the other cases are decided?—Yes, the whole of the cases would depend on that one decision, unless there was something particular in any given case to bring before the court.

415. But, speaking for yourself, do you think that those questions of value are usually fairly fought?—I think they are. The tendency of the court is always to give it in favour of the claimant, because it is very difficult sometimes to prove that there is a mortgage. Many more people get on the register with an under-value than the contrary.

416. *Chairman.*] With regard to the point just raised, do you, of your own knowledge, know it is very frequently the fact that those cases are taken, not in a batch, but severally, and that many men of the poorer classes lose their votes because they are not able to come and defend them?—No doubt that is the case both in counties and boroughs.

417. Would you not get rid of a great deal of that hardship by a primary testing inquiry, by some individual which should relieve the voter from the necessity of appearing at the barrister's court?—Yes, the fact of a voter being put on the register by the assistant overseer would, *primâ facie*, support his vote, and if you adopted the system recommended in Mr. Harcourt's Committee, that of letting clerks to boards of guardians make a preliminary investigation of the objections, that would be a still greater advantage.

418. You were asked with regard to the necessity of maintaining the revising barrister's court. Are there not certain points of law arising from time to time, which it is very desirable should be decided in that cheap court, rather than that every case in dispute should go to a higher and more expensive tribunal?—Yes.

419. On the ground of saving expense you would keep the revising barrister's court?—Yes, you must keep the revising barrister's court.

420. Is there much conflict of opinion among the revising barristers on points of registration law?—Yes, my opinion is that there is a greater conflict of opinion among the revising barristers than there should be; it often happened in the West Riding where there used to be three courts, that the barrister in one court would hold a particular qualification entitled to vote, while in another court in the same county another barrister held a different opinion.

421. You think we need a concentration and consolidation of the registration laws?—Yes.

422. Now with regard to the place at which the voter should poll; do I clearly understand you to say that though there might be inconvenience caused to the candidates travelling in counties at the time of an election, and to a few men besides, who wish to vote at their place of business, you are of opinion on the whole that the balance is in favour of some such restriction as you have spoken of, so that personation, inconvenience, and the expense to the counties, may be reduced to a minimum?—Yes, confining people to poll at their place of residence, that being the very thing that the registration agents aim at as much as possible, but they are only able to carry it out in a very imperfect manner.

423. With regard to the assessment committee, though assessment committees are in operation now, yet as long as the assessment committees exist only for rating purposes, the rating only falling on the occupiers, there is no probability of accuracy being obtained with regard to the owners, is there?—No, until you supplement that by an additional column in the rate books, and inquire into the owners, and until you have competent people to carry out that inquiry.

424. Is not the key to the whole proceeding some system, whether by throwing a portion of the rates upon them, or by some other means, to induce the real owners to take an interest in having their names properly and accurately placed in the column?—Yes, that would conduce very much to the accuracy of the register.

425. With regard to the hardship inflicted on persons objected to, if the objector has acted *bonâ fide*, his object being to purify the register, you think it would be on the whole undesirable to deter him from making objections by placing a probable heavy burthen of costs on him?—Yes.

426. Although a person resident at York who happened to be in London or the south of France, or anywhere else at a distance, at the particular moment of holding the court, might be put to some inconvenience?—No doubt. The effect of putting the possibility of heavy penalties on the objector would be to break up the organisation that now keeps the register pure. It is with great difficulty that subscriptions can be raised for that organisation, and if a burthen of only

300*l*.

300 *l.* or 400 *l.* in a county were imposed, it would break up the organisation.

427. Of course a man whose qualification was at York, and who was objected to at York, might very probably be in London or anywhere else, but it would not be the objector's fault, who could only object to him where his qualification was, and the accident of his absence ought not to be visited on the objector?—I think that for these purposes too great a latitude ought not to be given to a man to run away from his property.

428. Is it not the fact that a vast number of those notices of objections are signed by John Nokes or Tom Stiles, at so much a dozen, on behalf of the registration societies, the objector himself knowing nothing about the subject?—Certainly.

429. Is that a satisfactory way of proceeding, or how would it be if you were to enact that the person objecting shall be a person who of his own knowledge knows, or has reason to believe, that some objection exists to a man's vote?—No; that would destroy the system of objectors altogether. It is an invidious task, and a very difficult thing to obtain objectors. You are forced to get some one out of the locality to do so, who will not come in contact with the person objected to. You will always find that with people in the country it is a thing remembered against a man for years perhaps, the having objected to another; and both in the West Riding of Yorkshire and everywhere else you are compelled to pay the objectors five guineas or six guineas for the trouble of signing their claims; without that I have often known cases where there has been a difficulty of obtaining an objector. There was not a man to be found in the whole of the district that would sign.

430. In fact, the fear of deterring legitimate objections exercises a stronger influence upon your mind than the desire to increase the facility of getting names on the register?—Yes.

431. With regard to the revising barristers' power of holding one court for two districts, inasmuch as it might tend to public inconvenience if you restricted his power, on the whole you think it wise to leave the discretion entirely in his hands, do you not?—I do not know that; I should agree with the honourable Member for Stockton's views in that respect. There is often wanted a restraining power over the revising barristers; they are apt to gallop over the country; they are paid by a lump sum, to the most serious inconvenience of persons who have to attend them. I think that you ought to have some court of appeal, which would be appealed to by those who thought themselves aggrieved on the publication of the lists.

432. But if you think that their power is abused (I do not mean that in an offensive sense), would not the remedy proposed by the honourable Member for Stockton, of obliging them to hold a court in each district, be more simple and less expensive than giving a court of appeal, and entailing further legal proceedings?—No; if a barrister knew that he was liable to be brought up, that would make him go to all the places which were necessary to be gone to for the convenience of the suitor; but if you make a stereotyped thing of it, in the first place you would cause great additional expense, and secondly, you would prevent the magistrates from making additional polling places, and additional polling places are the real things most urgently wanted by all the county electors.

433. Upon that point, whether in the barrister's hands or in the hands of a superior court, you think that it is wise to leave a discretion with regard to the mode of holding the courts?—I do.

434. Mr. *Brand.*] Am I right in attributing this opinion to you, that every one claiming as owner of property should give *primâ facie* evidence of his qualification; but that in order to give greater facilities to persons to make claims, they should be allowed to send them in throughout the whole of the year to the officer for registration purposes?—Yes.

435. And that after they have proved those qualifications, the *onus probandi* should be thrown on the objector?—Yes.

436. Do you think it desirable to adopt the provisions recommended by the Committee of 1864, that no elector should be allowed to object to any claimant except on the ground of disqualification, or insufficient interest in property?—No; you ought to let him object on a defective address, for example.

437. If we adopt your plan of having an officer for registration purposes, a self-acting registration, those objections might be left in the hands of the registration officer, might they not?—The registration officer might have been napping; he might have put it in inaccurately; then, under the present law, if a man is objected to merely for residence, he has the power to set it right; but the practice has grown up, whether legally or not, that the barrister will correct the residence of a person on being told by somebody, either by the registration advocate usually or somebody else, that it is wished to have it corrected. Without any declaration, each side, at the conclusion of the court, will say, "If you please, will you correct the residence of Mr. So-and-so; he has moved away," and it is done.

438. Mr. *Johnston.*] Do I understand you to say that under the present law it is at the barrister's option which polling place he shall attend for revising purposes?—No.

439. Is it not the case that the justices, in appointing the polling places, can also appoint at which of those polling places the barristers shall sit?—Yes, by 30 & 31 Vict., c. 102, s. 34.

440. We certainly acted on that assumption in Essex, and I think if the Act of Parliament, 30 & 31 Vict. c. 112, s. 34, is referred to, you will find that is the case; would your objection to clause 11 in the new Bill be obviated if the voter were called upon to prove that the place at which he wished to poll at was the most convenient for his residence?—That would be introducing an exception which might be inconvenient.

441. In that case the most convenient for his residence would be also the one where personation would be least likely, would it not?—Yes; that might not be unobjectionable, but still I think that the magistrates ought to give the voter the polling place most convenient to his residence.

442. But we know of many parishes which are so large that the outlying parts might be nearer to some other polling places, do we not?—No harm could result from what you propose, but the question would be whether people would take the trouble to prove it.

443. I believe that there would be hundreds of cases in my neighbourhood where they would take the trouble to prove it?—I dare say.

Mr. *Baxter.*

6 May 1870.

444. Mr. *Dodds.*] You have mentioned that you have ascertained the opinions of a considerable number of gentlemen who are conversant with registration matters; were those gentlemen all of one political party?—All Conservatives.

445. You have mentioned that the area for rating purposes differed from that for the collection of property and income tax?—Yes.

446. Are you not aware that, practically, the assessments for property and income tax are based upon the same assessment as is made for the purpose of the poor rates?—Yes, that is so.

447. Where are the tithings that you spoke of?—One of the places where I made the inquiry was Bournemouth, the parish of Christchurch; the district about there is divided into tithings which are quite different from parishes.

448. We have no such thing in the north of England; I suppose you know that?—I do not know what they call them, but the districts are not coincident with the parishes or townships.

449. But the collection of property and income tax, and the collection of the poor rate, generally spreads over the same area, does it not?—It is not the same circle for each; the boundaries of the collectors for the one are not coincident with that of the parochial officers.

450. Where is that the case?—All over the country; the income tax officers apportion out their district not according to the parochial divisions.

451. But are not collectors of property tax appointed in every parish, whose districts are coincident with the districts of the poor rate collectors?—I think not; it may be so in some parishes, but it is not so in the majority of them.

452. Can you name any one county where that state of things prevails?—I will name Hampshire, and I know it generally from my experience of other counties; but I have not inquired with the same particularity with regard to all the other counties.

453. With regard to the time when tenants enter upon their holdings, you say that 12 *l.* occupiers generally enter upon their holdings at Michaelmas?—In some parts of the country; but I know others will enter on their holdings on the second of February, or the second of August.

454. Are you aware that the practice in the north of England is to enter upon their holdings at Lady Day?—Yes, that is a very common practice.

455. The alteration you suggest would apply to very few portions of the country, would it not?—It would apply to some and not to others; the 2nd of February is a very common time for entry in Yorkshire.

456. Would you, in the case of a person who entered on his holding on the 2nd of February, entitle him to be put on the register for that year?—No, I think not; yet by analogy of reasoning with the property qualification, it might be so; that dates from the 31st of January, as you are aware, but that is a short time for the occupier: I wish to refer the Committee to the 19th clause of the Registration Act of 1868, in which there is the following proviso: "That the revising barrister shall erase from the separate list of such occupiers as aforesaid, all persons who appear to him from the accompanying lists, to be entitled to vote in the same polling district in respect of some other qualification to which no objection is made." That is with regard to polling districts and not to parishes; I think that might be advantageously amended.

457. Mr. *Richards.*] You have not had very considerable experience in country districts, I suppose?—With regard to country districts in Yorkshire, I have.

458. Do you find any difficulty in serving all notices of objection by post?—No.

459. You have had no difficulty about that?—No; the general rule is to serve them by post.

460. Has it occurred within your knowledge that there are districts of the country where there is no postal delivery?—No, I do not know of any such district.

461. Perhaps you would be surprised to hear that it is likely an appeal is pending on the question, whether there has been good service by posting a notice of objection, which it was proved would not reach the voter in due course of post?—That must be a very exceptional case, I think.

462. Would you be surprised to hear that in 10 per cent. of the parishes in one county in Wales that would be the case?—Yes, it is a piece of news to me. I did not think that Mr. Scudamore was so remiss.

463. At all events you have never experienced that difficulty?—No; the townships are often very small and very numerous, and in some polling districts the property tax officer will have a great number of townships under his care.

464. With regard to Clause 10 in the Bill of the honourable Member for Stockton, would you consider it a hardship that a voter should have to go 18 miles to attend a revision court?—No doubt; but perhaps you cannot avoid it in a mountainous district thinly inhabited.

465. Would not that hardship be aggravated by the power now resting with the revising barrister, if he puts the whole of the parishes to be heard upon one day or in two days, when it not unfrequently happens that the revision extends over six days?—That is an abuse that should be remedied.

466. Should you be surprised to hear, that in a district where Aberystwith was the polling district, a voter claiming the right to vote had to attend at the revising barrister's court 14 miles off for four consecutive days?—I think that certainly should be obviated if possible.

467. Would it not be obviated by a similar clause, if not a clause identical with Clause 10 in the Bill of the honourable member for Stockton?—I think there must be some discretion somewhere; you must not have such an iron rule as to say that every village appointed for a polling district is also to be a revising district. The best arrangement would be to have a polling place in every village, and a polling place in every parish.

468. Assuming that 600 objections were served upon a district within a radius of from 10 to 16 miles of a polling district, and the claimants had to attend for four consecutive days, do you not think that that is a sufficient hardship to call for some remedy?—Yes, I would give it by vesting some discretion in the court of quarter sessions.

469. But assuming (which I can tell you is the fact) that the court of quarter sessions do not desire to remedy that, what would you say?—I am afraid that they must be not a very pattern court of quarter sessions.

470. You

470. You said that the objectors should have facilities for objecting: but with the facts that I have shadowed forth, do you not think that the present mode of giving objections can be very much abused. Assuming that the objector knows that a man, to prove his qualification, must come 14 miles, might he not be induced to send out a large number of speculative objections?—It might be so.

471. Should you be surprised to hear that it was so?—No; a similar thing happens with regard to the out-voter. It is a very common practice, I am very sorry to say that the out-voters get more objected to than any other class, because they are farther off.

472. I suppose you know in your own experience, as a matter of fact, that, utterly irrespective of a knowledge by the objector, he, or rather the political society, sends out objections on the assumption that a large per-centage of the claimants will not think it necessary to attend?—Yes, I dare say that it is so. I have often heard that complaint.

473. Do you not think that Clause 5 of the Bill of the honourable Member for Stockton would have a beneficial effect in a case of that kind?—No; the revising barrister has now the power to award costs up to 5 *l.*, and that is an enlargement of the Act of 1865.

474. If I read the clause of the honourable Member for Stockton correctly, it is compulsory upon the barrister to award costs; is not that so?—But might be evaded in the simplest manner; the barrister might award 6 *d.* costs.

475. Is it not the fact that, under the present law, speculative objections are sent out to a very large number of men on the supposition that a large number will not attend the barrister's court, and that those who do attend will not be paid anything like an equivalent for their loss of time?—That used to be the case under the old law, when it was limited to 20 *s.*; but, since the year 1865, that practice has very much diminished.

476. Take the case of a mining district, where a miner had to attend his work partly by night and partly by day, and where the objectors under the present system can send out a large number of objections, and a man attends for four consecutive days, do you not think it should be compulsory on the revising barrister to award him costs?—Not if he was a new claimant.

477. But if he was an old claimant should the barrister have that power?—I think he would do that under the present law. My object is to cure that hardship by making his registration the act of the officer whose action in registering him would put him in the same position as an old voter.

478. Then, assuming that he were there, he would still be open to be objected to?—Yes, but then I apprehend that costs would attach in that case, where the man *primâ facie* is entitled to vote, and then those objections would not be made without inquiry.

479. Would your experience lead you to think that the barrister ought to be compelled to award costs? Assuming that a public officer had put the claimant on the register, and that he had remained there two years undisturbed, and then proved his qualification, after his being objected to, would it not be right that the barrister should be compelled to award costs?—There is a difficulty in compelling a man to do what he is inclined not to do; he might evade that by awarding nominal costs; it is best to leave it to him, though cases do happen even with regard to old votes, in which the barrister will not consider the question of costs, because it would take up his time in being fought.

480. Is it not the fact that revising barristers are often very inexperienced men?—Yes.

481. And is it not the fact also, that revising barristers, owing to inexperience and want of knowledge of the earnings of other classes of men, are sometimes likely to award costs that are very inadequate compensation to the voter who has been objected to?—That is so; I am sorry to say that the appointments of revising barristers often go by favour. It is very frequently, indeed, the son or near relative of the dignitary who appoints without regard to fitness as a barrister.

482. With regard to the question of the appointment of a public overseer, such as you have indicated, is it not the fact that the assessment committee of every union now have the power, and, in fact act upon the power, of appointing valuers?—Yes; but still that valuer is only an assistant to the overseer.

483. Do you not know, that utterly irrespective of the overseers, the assessment committee have the power to appoint valuers?—They would not think of doing that every year. I apprehend that the overseer makes out his list and sends it to the assessment committee, and the assessment committee have the power of referring it to a valuer, if they please, to correct that list.

484. From your experience of revision courts, do you think that any legislative powers could beneficially be enacted, by which the mode of conducting the business of the revision courts could be more clearly laid down for the guidance of the revising barristers?—I think that the court above could very reasonably make out rules for their guidance.

485. At all events, by whatever power it may be done, do you think it desirable that it should be done?—Yes, I think so.

486. Would you not get greater uniformity by some such Act?—Yes; there is a very great want of uniformity at present.

487. And the inexperience of many of the revising barristers would be assisted by such rules being laid down, would it not?—Yes, it would. I see in the Parochial Assessment Act, 25th and 26th Victoria, chapter 103, the following words: "Subject to any order as hereinafter referred to, which may be made by the Committee, the overseer in each parish in the union shall, within three calendar months after the appointment of such committee, make a list of all the rateable hereditaments in such parish," so that it has to come first from the overseers.

488. And approved by the Assessment Committee?—Yes.

489. And then if they do not approve of it they send a valuer?—Just so.

490. Mr. *Read.*] Do you send all your objections by post?—Yes, I think nearly all.

491. How do you ensure their delivery?—We depend on the post; you obtain a certificate from the post office that you have posted the notice, and if you post it to the address given in the register, that is a proof that you have delivered it.

492. Are you aware that in some localities the areas for the administration of the poor law, the highway

Mr. *Baxter.*

6 May 1870.

highway districts, the justices, and the Imperial taxation, are all different?—Yes, that is so.

493. *Chairman.*] Is there anything further that you wish to bring before the Committee?—I wish to point out in the Report of the Poor Rates' Assessment Committee of 1868 a simple recommendation made by that Committee which was called Mr. Ayrton's Committee. Section 5 of that Report says: "It is therefore assumed in this Report that there will be a roll of property duly valued for the purpose of rating its owners or occupiers, subject to whatever exemptions or qualifications may be deemed expedient, and defined by law." And then Clause 13 says, "To provide for a careful and regular collection of the rates, that duty should be entrusted to one or more paid collectors. They should also be required to discharge the duty of ascertaining all improvements in the condition of the premises rendering a re-assessment necessary, and into all charges in the ownership and occupation of the premises, and to report thereon from time to time, to the overseers or to the authority by whom the assessment roll may be prepared." So that that proposal has the sanction of a Committee of this House. I wish also to add with regard to the answers that I have received to the communications sent out by me that one of them is from Mr. Coppard, of Henfield. He is a gentlemen of very great experience, and he says in his letter that he prepared that Bill of 1865 which is an exceedingly well drawn Bill; and (except one clause) was passed as he drew it up; it now regulates registration; that gentleman is now 80 years of age, and I am sorry to say is unable to attend to be examined before this Committee, but I will hand in to the Chairman his written opinion.

Friday, 13th May 1870.

MEMBERS PRESENT:

Mr. Henry Robert Brand.
Sir Edward Colebrooke.
Mr. Cross.
Mr. Dodds.
Mr. Algernon Egerton.
Lord Claud John Hamilton.
Mr. Andrew Johnston.
Mr. Knatchbull-Hugessen.
Mr. Raikes.
Mr. Clare Read.
Mr. Richards.
Mr. Wynn

E. H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. THOMAS NICOLLS ROBERTS, called in; and Examined.

Mr. *Roberts.*

13 May 1870.

494. *Chairman.*] I THINK you are Secretary to the General Liberal Registration Society, are you not?—I am.

495. And you have held that post since when?—Since the 1st of January 1861.

496. And previous to that time you were connected with a number of other local associations, were you not?—I was.

497. Has your attention been called to the subject of registration for a good many years?—It has for more than 25 years.

498. Do you concur in the evidence already given before this Committee by Mr. Dudley Baxter, that the consolidation of the laws relating to registration would be very desirable?—Yes.

499. Will you be kind enough to point out to the Committee the principal defects which you think you find in the present system; first, with regard to proper facilities being afforded to duly qualified persons to come on the register; and, secondly, with regard to the want of due precautions to keep unqualified persons off the register?—Yes. With regard to persons coming on the register, the fact is, they can only claim their votes up to a certain period in the year, and that has a tendency to keep a large number of duly qualified persons off the lists in every successive year; that is to say, it postpones their coming on the list for a twelvemonth; and one of the remedies that I should propose for that kind of thing would be that persons should be enabled to send in their claims to the proper officer all the year round.

500. Then, would you extend that permission to objectors, or would you limit the time during which objections should be sent in?—Yes, I would limit the time during which objections should be sent in; but in the case of persons who had sent in their claims subsequently to a given day, the objectors should be put in the same position with regard to opposing them in court as they would have occupied if the claims of those persons had been on the published lists.

501. How would you accomplish that end, do you think?—I think that might be accomplished by a clause in the statute enabling the objectors to appear in court, and to object to a person whose claim had not been made before a given day.

502. Then, would you allow the objector to appear, although he had not given full notice to the claimant?—Yes; he could not have full notice of the claim; because, in the first place, I contemplate with regard to a person, for instance, who becomes possessed of his property by the death of another, or by marriage, or by promotion to a benefice, that on a day subsequent to the day on which the objector is bound by the statute to give notice of objection, the objector should be able to oppose that claim in court without giving any notice of objection.

503. But do you propose to retain the revising barristers' courts?—Yes; I think you cannot dispense with them.

504. But would you or would you not appoint some time, previously to the holding of the revising barristers' courts, after which no notice of claim or objection should be sent in?—I would do it with regard to all qualifications, except such as I have just named; what I propose would be just putting the person who comes into possession of his property in the way I speak of, that is to say, by the death of another, by marriage, or by promotion to a benefice, or any office, in just as good a position as he would have occupied previous to the Reform Bill of 1832, when there were no registers; and when, if an election took place, a man who had only come into his property on the previous day, could go up to the polling-booth, take his deeds with him, and show he was possessed of the property, and there and then give his vote.

505. Would not that cause a certain amount of confusion if, as I understand you, you would have one period of the year during which alone occupiers could claim, and another period during which freeholders could claim?—No; I think the freeholders who obtain their qualifications by purchase, and the occupiers, ought all to be put on the same footing with regard to claiming; that is to say, there should be a day beyond which they should not be able to claim for that year; but I would bring that day down to a very close period, that is to say, down to the time when the revising barrister held his court.

506. Would not that throw great obstructions in the way of objectors?—No; I do not think it would, because I would hold such persons to very strict proof. I would hold all persons who

Mr. *Roberts.*

13 May 1870.

made claims, subsequent to the day named, to very strict proof in the revising barrister's court.

507. But still, after all, the main arrangement that you propose is the lessening of the period that at present exists between the time at which claims and objections may be made, and the holding of the revising barrister's court?—Yes.

508. Now, with regard to the way in which persons should come on the register, are you satisfied with the way in which the present lists are made out by the overseers?—Not at all; that is to say, I am not satisfied with the overseers having to make them out.

509. Will you be kind enough to state your reasons for thinking that they are not the proper persons to make out the lists?—In the first place, they are a fluctuating body, changed every year; in the next place, in the great bulk of rural parishes they are unlettered men; and in the next place, those duties come upon them just when they are most busy with the work belonging to persons engaged in rural pursuits.

510. Do you suggest to the Committee any other means by which persons should come on the register, save through the agency of the overseers?—Yes. I would repeat what I stated to the Committee which sat in the year 1864, namely, that I think the clerks of the unions should be the gentlemen to prepare the lists; and with reference to the occupiers, I think that they should be put on by such officers.

511. By the clerks to the boards of guardians?—Yes.

512. With regard to the owners, would you have each owner claim, or would you have him put on the register through the agency of the clerk to the board of guardians, or any other officer?—He should claim, in my opinion.

513. In every case?—Yes, in every case.

514. Would you not propose to alter the column in the rate-book, as the last witness did, in order to increase the accuracy of the owners' column?—I should not object to such a thing as that. I think it would be very desirable to have the rate-books correct; but still I do not think that would be advantageous for the purpose of registering the owners, because if the owners could be registered, the officer for each union would be responsible only for his own union, and there are thousands of people in the kingdom who have property in different unions; but as each officer for each union would only be responsible for his own union, the consequence would be that the names of those persons would appear in every union in which they had property.

515. You mean they would appear in the rate-book?—They would appear on the register.

516. But they would at all events appear in the rate-book, would they not?—Yes.

517. But if you had a clause in the Act of Parliament which compelled the revising barristers to place such persons on the register only once, and that in respect of the qualification nearest their residence, would not your objection be greatly removed?—You would then be asking the revising barrister to do that which would be almost impracticable; that is to say, it would only be practicable by having an alphabetical list of the whole of the county made out every year, and that alphabetical list the revising barrister would have to take round with him to every court.

518. But if you had an alphabetical list, and if you could arrive at a system by which an alphabetical list would be sufficient, would not it be comparatively easy that all that should be done?—No, I think not.

519. It would be a great advantage, would it not, if you could have the actual owners always in the rate-book, instead of having as you do now, a variety of persons who very often do not represent the real owners?—There is not a doubt of it.

520. Supposing a system were introduced by which the rates were divided between the owners and occupiers, would it not then be essential that the owners' column should be rectified?—Yes.

521. And if you made it, as it would be then the interest of persons who are not the real owners, to keep their names out of that column would not that be the best guarantee for having the right names on it?—Yes.

522. If that was the case, do you think that if certain other modifications were made in the register, an alphabetical list would be a very great convenience for all registration purposes?—No doubt it would.

523. Would it be a great difficulty for the revising barrister, seeing the same name half a dozen times over, to strike it out?—If it were confined to one name there would be no great difficulty; but in populous counties there would be a number of those names occurring in almost every union.

524. Would that be a safe plan if the lists of the unions were first made by a sub-official, then checked by the clerk to the guardians, and further checked by the clerk of the peace before they came to the revising barrister?—No doubt that might be done; but that would involve a great deal of trouble; and then an owner of property might be in this position, that the revising barrister, being told only to leave him on the list once, he might so leave him on the list, and during that year he might sell that identical property; and though he would have property in various other unions in the county, yet he might have no vote.

525. Do you think that that difficulty would be cured by the suggestion of Mr. Baxter, that he should be allowed to be on the register twice, and no more?—That would be reasonable, but he might still sell those two identical properties. The consequence would be that he would have no vote, whereas if a man is left to himself he claims on that property which he thinks he will hold the longest.

526. But supposing a man has property in various districts in a county, and can only be on the register once, would it be impossible to insert a clause in the Act of Parliament to remedy that particular instance of grievance, namely, that if he was in that position his name should be kept on the register for one year after the sale of the property?—No, I think not.

527. In the case of an occupier who changes one farm for another, is it not the case that he is not struck off the register for the change?—He is struck off unless he claims as successive occupier.

528. But as successive occupier, is another year required for him?—No.

529. Then some such provision as that might remedy the case of the owner, might it not?—No, because if an owner sold his property just subsequent to the revision, his name could not appear upon

upon the register until the next year; that is to say, it could not appear in respect of the property which he really possessed.

530. Unless you, by the suggestion which you made just now, enabled him to claim for other property at the very last moment?—Just so.

531. Your first suggestion would remedy your present complaint, would it not?—No; not if he sold his property just subsequent to the revision; he would be out of court in that case.

532. After all, would it, in the few instances of that kind that might occur, be a greater evil than the expense now entailed on the counties in printing such a vast number of duplicates, and the confusion consequent thereon?—Yes, I think it would be greater; because this alphabetical list would have to be made out anew every year.

533. Do you see any reason why the 50 *l.* occupier should now be in a different list from the 12 *l.* occupier?—No.

534. Then I suppose you would advocate the abolition of any provision which made that necessary?—Yes; decidedly.

535. Do you see any difficulty in having an alphabetical arrangement of the register with the qualification stated opposite to the name?—No.

536. Do I understand you to say, with regard to the duplication of names, that you would allow a man to be registered as often as he pleased in different districts?—No.

537. What check would you propose upon that?—I am in favour of having a man registered only once, as is the case in the municipal register.

538. I thought you said just now that there would be a difficulty about that?—Yes; but I was answering the question with regard to the official registration of owners, and I was attempting to show that you would have the register loaded with duplicates, if such an official registration were to take place, in populous counties especially.

539. Then, will you be good enough to state your views to the Committee, with respect to the proper remedy to avoid placing those duplicates on the register?—The only remedy would be to place them on the preliminary list, and then to make an alphabetical list of the whole of the county lists, and for the clerk of the peace to hand that alphabetical list with the other lists to the revising barrister. But I will also state another objection to the official registration of owners, and that is the extreme difficulty there would be in finding out the tenure by which the property was held. We have now freehold, leasehold, and copyhold qualifications, but a very large proportion of men who hold leasehold property for a very long term, are in the habit of calling it freehold, and really believe it to be freehold, and they would so describe it to the overseer or the officer who might have charge of the book for those purposes, or indeed for any purpose; they would describe a leasehold property for 500 years, or 999 years, which is common in the north of England, as freehold, and in fact I have had people very angry with me for disputing the proposition that their property was not freehold. Then take the county of Kent, where the law of gavelkind prevails, how difficult it would be for any official, however well informed he might be, and however intelligent, to ascertain the exact interest possessed by each person in property that has been so minutely sub-divided.

540. Do you think that the difficulty exists in the case of the overseers?—Yes.

541. But do you not think that a superior officer would be more likely to reduce that inconvenience or difficulty to a minimum?—Yes; no doubt he would reduce it considerably; but I believe that it would take 20 or 25 years of proceeding on the part of such an officer to obtain anything like an accurate return of the qualifications of owners; in fact, I do not think that such a return would ever be got out in Middlesex, nor in some of the towns in the north of England, where the occupiers of property never come in contact with the actual owners; the occupiers take the person who manages the property, but who yet has no beneficial interest in it, look upon him as the owner, and represent him to be so to third parties.

542. Do you think that sufficient facilities are now given for keeping off unqualified persons from the register?—Yes, I think so.

543. Now, with regard to the question of costs, do you think that the amount of costs now usually awarded, is such as is fair and just, or is so great as to deter objectors?—From all I have seen, I think that the amount is very generally as fair as you could possibly expect it to be.

544. What do you say to the proposition that any person objecting, and not substantiating the objection to a person already on the register, should be always mulcted in costs?—That has always been my impression, namely, that the costs should follow the event; that is to say if a person is objected to, and if he proves to the revising barrister that his qualification, as described on the register, is in all respects good, and the barrister has to make no substantial alteration in any of the particulars of his entry, then I say that the costs should follow the event, unless some very special reasons were shown why the inquiry should have been instituted.

545. Do you think that the costs should be regulated by the amount of inconvenience to which the person objected to was put, or by the amount of ground which the objector might have thought he had in making his objection?—I think of the two points it should be the latter; that is to say, that the revising barrister should judge of the motives of the objector, and that he should award costs upon that principle.

546. Would you not consider it a mistake if Parliament should do anything which would discourage a fair question being raised with regard to claims?—Yes.

547. Under the present system is it not the fact that claims, in many counties, are practically not questioned unless political parties, on one side or the other, have formed societies to watch the register?—That is so.

548. Do you think that the proposals which you make would, in a certain sense, diminish the number of objections, because you would give less time for objectors to find out disqualifications; do you not think that that would result in diminishing the number of occasions on which claims would be questioned in the court?—No, I think not, because although you correctly state that it would diminish the time in which the qualifications could be inquired into, yet, as I said before, all persons sending in their claims after the day to be named in the Act, should be put on strict proof of qualification. In fact I should say that they should be put on strict proof of qualification without any objection at all.

549. Would

Mr. *Roberts.*
13 May 1870.

549. Would you in every case cause the claimant to be put on strict proof of his qualification?—Yes, if he claims after a certain day.

550. Would you, in every case when a claimant claims for the first time, make him prove his qualification strictly?—I think it would be a hardship on persons, who had given full notice that they intended to claim a vote, to put them to the strict proof of their qualification; because, although when we speak of strict proof here, we do not mean strict legal proof; yet strict proof in the revising barrister's court would involve a great deal of trouble. A man might have great difficulty in getting at his deeds, when he would have no difficulty in obtaining a letter from his solicitor, or some other person who was connected with the property as trustee or otherwise. My opinion is that a letter from such a person ought to satisfy anyone. But that would not be called strict proof.

551. There would be a question, in your opinion, between strict proof and strict legal proof, perhaps?—Yes.

552. The sound principle is this, that very great precautions should be used in the public interest before persons are placed on the register in the first instance, is it not?—Decidedly.

553. But after they have been duly placed there, you think that every protection should be afforded them against frivolous objections?—Yes.

554. Would you effect that object by allowing them fair costs after they have once been placed on the register, if objections are raised to them, but at the same time taking great care that they did not come on the register for the first time without strict proof?—Yes.

555. You agree in that general principle, do you?—Yes; my opinion with regard to all claims is this, that there should be some proof given to the revising barrister before any claim is put on the register; and that, I believe, was the evidence that I gave before the Committee which sat here in the year 1864.

556. Is it within your knowledge that many fictitious votes are created under the present system?—Yes, I know that there are a good many fictitious qualifications on the register; that is to say, the names are on different registers of persons who have no interest in the property. At the last election for East Cheshire, I was requested by the agent for Sir Edward Watkin to canvass some out-voters, and I did so; and with regard to two of those out-voters, I received a communication from a place in the north of England to this effect, "These two men are freemen of this borough; they have not got an inch of property in Cheshire, nor have they ever had any property there, and we believe they are on the register for several other counties in England;" and requesting me to take steps to have their votes questioned if they went to the poll.

557. Not to ask you on which side they voted; did those men go to the poll?—One did; the other did not.

558. Was any step taken to strike him off the register?—No; the election, as you will remember, took place in last October, and it was after the time in which objections could be sent in; but no doubt they will be objected to, and struck off the list this year.

559. Do you think that that is a matter of frequent occurrence under the present system?—I know it. We have all the registers for England and Wales in our office, and I occasionally come across names in investigating them, which I know to be wrong; that is to say, they have no property there.

560. Do you think that the revising barrister's court is held now at the best and most convenient time of the year?—Yes, I think so. I do not see any time of the year that could be more convenient.

561. Would you alter or increase the power of the revising barrister with regard to amending the register?—Yes.

562. In what respect would you alter or increase that power?—If a person, who sought to establish his claim, could show that he had obtained a substantial qualification, and that he had stated the elements of that qualification upon the list, no matter in how imperfect a form, I would allow the revising barrister to amend the register accordingly.

563. Then, with regard to appeals from the revising barrister's decision, would you maintain or take away his discretion in giving a case for appeal?—I would take it away.

564. Would you make it contingent on security being given for costs?—No.

565. Do the revising barristers, in your experience, decide on points of law in very different senses?—Yes.

566. I suppose that would be one reason why you would desire the consolidation of the Acts of Parliament?—Yes; and also that the revising barristers should be under the control of the Court of Common Pleas.

567. Have you any other suggestion to make with regard to printing the registers?—Yes. I will just recur for a moment to the question which you put to me about the lists; I think the whole of the property voters and voters by virtue of occupation should all be included in one list, and that the names only of those persons who by qualifications have lapsed should be taken out of the original list by the revising barrister, and that the new men, that is to say, men who have sent in claims as owners of property, and the men who would be put on by the official, whoever he might be, as occupiers of property, should all be included in the new list; because as matters stand now, there is first a copy of the register, then there is a list, commonly known as No. 3, the list of new claims, that is to say, property owners' list; then there is No. 4 list, which is a list of occupiers made up by the overseers; then there is No. 4*a* list, which is a list of persons who have either been left out by the overseers, that is to say, left out of the 12 *l.* occupiers, or else their qualifications have been inaccurately described, and they have sent in new claims to amend them; then there is the list of objections; so that you may fancy what the revising barrister has to contend with in revising the lists. He must be a man of clear mind and methodical habits, to enable him to get through his business with anything like satisfaction to himself; he has five lists to deal with and unless he has agents by his side who can give him information at every step, he gets into a state of great confusion. Now, if we had the whole of the qualified persons, no matter whether property owners or 12 *l.* occupiers, all in one list and if, instead of the overseers making out a new list every year, they should write the word "objected to" against those persons who have

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parted with their qualifications, or occupiers who had left the place, and then simply put on the new list the persons who are qualified as owners of property by the claims which they had sent in, and the occupiers who would be on the register as by right, under the Act of 1867, it would be a very different matter.

568. Would you have the clerks to the boards of guardians do that?—Yes, certainly I would.

569. You would have the clerks of boards of guardians take all the trouble that the overseers do now?—Yes.

570. Would you let the overseers have nothing to do with it?—My opinion is that the overseers should have nothing to do with the preparation of the lists, except merely assisting the clerks of guardians with information.

571. Then you mean practically that the overseer should make the list subject to alteration and check by the clerk of the guardians?—No, I do not mean that the overseers should have anything to do with the actual writing of the list.

572. Would you not throw an immense deal of work on the clerks of the guardians if your suggestion was carried out?—No doubt it would throw a great deal of work on them, but not more than an educated and intelligent man could do.

573. You do not think it would necessitate his having assistance to do it?—No.

574. Probably he might think so?—I daresay he might; but to show you the expense that the county is put to in useless printing by making the lists anew every year, I will give the Committee the following particulars. In the year 1868, which was the first year that the 12*l.* occupiers came on, there were 1,605 persons struck out of the 12*l.* lists for the eastern division of the county of Essex, who were already upon the register, qualified either as owners of property or as occupiers under the Chandos Clause. In the western division of Essex there were 2,097, and in the southern division of Essex there were 1,335; so that there was a total in one county of 5,037 names that the unfortunate revising barristers had to strike out that year. In the southern division of Essex 1,275 names were so struck out last year.

575. I want to fix, if possible, the exact point of difference between yourself and the other great authority on registration matters who was examined before this Committee the other day. It seems to me that you both wish for the clerks to the boards of guardians to have a great deal to do with the lists, and that you both wish to get rid of the overseers. The main difference is, that Mr. Baxter seems to think that the assistant overseers would be necessary to assist the clerk of the guardians, and you think that the clerk to the guardians could do it himself?—Yes.

576. Is that really the main difference between you?—If the proposition made by Mr. Baxter is that the owners of property should be officially registered, then I have no doubt that an assistant overseer for each union would be absolutely necessary, because no clerk to the guardians could do the duties incident to his own position, and that in addition; but if you leave the property owners to do as they do, namely, claim their votes by means of written papers sent in to the clerk of the guardians, he could do that very well.

577. I observe that there is another difference between you and Mr. Baxter, namely, that he would have those owners of property officially registered, and you would still impose upon them the necessity of making their claims?—Yes.

578. Is there any other point which I have omitted to ask you about, which you would wish to bring before the Committee?—I think not.

579. Mr. *Brand.*] In answer to a question put to you by the Right honourable Chairman, you stated that you were in favour of letting persons make claims up to the very day when the courts of revision were held?—Yes.

580. If I understand you rightly, that amounts to giving the revising barrister further powers to insert any claims that have been omitted without previous notice?—I referred only to those persons who became possessed of property at a time subsequently to that on which they could give written notice of their claim.

581. That is to say, subsequently to the 20th of June?—Subsequently to any day that the Legislature may fix upon, because it is the fact now, that all those persons who become possessed of property in the mode I have mentioned, namely, by devise or marriage, or promotion to a benefice or office; I say all those persons who become possessed of property in that way, after the 20th of July in any year cannot become voters for 18 months after that time; but under the state of things that prevailed previous to the passing of the Act of 1832, those persons, if an election had taken place on the 21st of July, and they had come into their property on the 20th of July, could have gone up and voted.

582. Do you not think it would be advisable to give the revising barrister the power to insert any name that had been omitted, if no reasonable grounds were shown against the insertion?—Certainly, if a person can show that his name has been omitted, then I would give the revising barrister power to insert that name, upon the person giving strict proof of his qualification.

583. Do you agree with this answer that was given by Mr. Baxter at Question 100 of his evidence; "I should propose as head, the clerk to the guardians for each union, but he cannot act without the assistance of local persons who know the property by house to house visitation; you must have either overseers, or assistant overseers under him. It is better to have the clerk to the guardians and the overseers if you cannot get an assistant overseer; but a very slight change in the law would enable you to obtain the assistant overseer"?—Yes.

584. Then you agree with that?—Yes.

585. But you think that on account of the many obscure interests which exist in properties it is impossible to establish a self acting registration with regard to the owners?—That is my impression.

586. But excluding those interests altogether, because those interests would be decided by the revising barrister, and presuming that the owners are rated as well as the occupiers, do you think that the rate-book might be made *primâ facie* evidence of the right of the owners to vote?—I do not think so, because, as I have stated in previous answers, there are many persons who have an inaccurate idea of the tenure of their own property; they would give a representation of it which would mislead, and they would lay themselves open to objection.

587. But those obscure interests would be decided upon by the revising barrister, would they not?—No; I am not speaking of rent-

Mr. *Roberts.*

13 May 1870.

charges, or anything of that kind; I am speaking of the actual property itself.

588. I thought you said that the great objection to this proposal was the danger of duplicates?—Yes, that is the greatest objection, no doubt.

589. But if the clerks of assessment authorities are the registrars, and they do their duty properly, do you not think that they could, with the exercise of some ingenuity, strike out those duplicates?—That would occupy a considerable time.

590. You have stated that you were in favour of a person being on the register for only one qualification?—So I am.

591. But if a person were on the register for only one qualification, you would have to strike out the names in the case of persons who held freehold and occupation qualifications also, would you not?—Yes, you would have to do that. I say that it would occupy a great deal of time in ascertaining the names of all those persons who were registered with qualifications in different unions. Take such a county as the North Riding of Yorkshire, covering the vast area which it does, it would entail no end of expense.

592. But, as I understand you at this moment, you propose to strike out those qualifications?—Yes.

593. Would there be any greater difficulty in striking out the qualification with regard to those owners of property than exists now, in striking out the qualification if a man holds two, say a freehold and an occupation qualification?—There would be this greater difficulty, that what I propose as to striking out the duplicate could only be effected by the agency of political parties; you would never effect it by any official means, because the parties who are working the register frequently know whether a man has a duplicate, and it would not appear on the face of the register that he was duplicated, because there are men who have three or four residences, and will give a different residence in each case; and a person who is not intimately acquainted with the working of the register would not know he was the same man.

594. But a man who held property in several different unions, must be a very well-known man in most instances, must he not?—In most cases, no doubt he would be.

595. He is not an obscure person?—No.

596. He would be likely to be known by some one of the registration officers, would he not?—Yes.

597. If these clerks of the assessment authorities were to meet on a given day and compare lists, do you think it would be possible without very great trouble to strike out the duplicates?—If you take a county in which there are eight unions, how many times would they have to compare their lists, because each one would have to compare with each one, unless you had one alphabetical list for the whole, and certainly one whole day would not suffice, and I doubt whether one week would suffice for that purpose.

598. With regard to the powers which you would give those registrars; would you think it desirable that they should both insert names and erase names, and that they should be empowered to allow or disallow claims or objections, with an appeal from their decision to the revising barrister?—Yes; I would have all of it subject to the decision of the revising barrister; I should certainly allow all that, because men of intelligence, as the clerks to the unions are, would save the county and country a great deal of trouble in that way.

599. Is it desirable, in your opinion, that the person making any appeal should give some security for costs?—Some very small security.

600. What would you consider a sufficient security?—I should say half-a-crown would be quite sufficient for an appeal to the revising barrister from the registrar's decision.

601. By whom are the revising barristers appointed now?—By the senior judge of assize.

602. Have you any recommendation to make with regard to those appointments?—I should prefer to see them in the hands of the Court of Common Pleas.

603. Mr. Baxter, in his evidence, objected to a court of revision being held at each polling-place; are you in favour of those courts of revision being held at each polling-place?—Yes; I think that they should be held at each polling-place.

604. That would be a great convenience to the electors, would it not?—No doubt.

605. I suppose you find it more difficult to bring men up to prove their votes than you do to get them to poll?—A great deal more difficult.

606. Do you think that the revising barristers have sufficient power now in their courts?—Yes, I think so, on the whole.

607. Can they compel the attendance of any witness for examination?—No, I think not.

608. Do you not think that they should have power to do that?—Yes, I think it is reasonable that they should have that power.

609. Can they fine officials for neglect of duty at the present moment?—Yes.

610. Would you give the revising barristers power to correct any mistake, so that no vote should fail from any technical error?—Yes.

611. With regard to the question of costs, I did not quite understand your answer to the Right honourable Chairman; would you make any difference between the costs in the case of an objection to a present voter, and in the case of an objection to a new claimant?—I should never allow costs to a new claimant at all.

612. Not if the objection was unreasonable?—Never; because I think a new claimant ought always to prove his right to be on the list; that is to say, a property claimant; but having once proved it, I would give him substantial costs if he were objected to again without reasonable grounds.

613. Mr. *Richards.*] Did I understand you to say that you would give the clerks of unions a kind of judicial character, in order to determine whether the qualification was sufficient to enable a man to be placed on the register?—Yes, I think so. I think that the clerk to the union would be a man very well qualified to exercise such a power.

614. But does that apply to the qualification of ownership as well as of occupation?—No.

615. That applies simply to the occupier?—Simply to the occupier.

616. But if there was a system of self-acting registration, he would exercise that power ministerially under your system, would he not; he would do the work, in fact?—Yes, he would do the work, no doubt; but supposing he found that he

he had omitted a name himself, I would give him power to put it in afterwards.

617. Were you present when Mr. Baxter was examined?—Only part of the time.

618. Do you agree with him in the answer which he gave to Question 96, where he was asked, "You have said that it would be a great advantage if there was an official in England like the Scotch valuator?—(A.) Yes, if there was a paid assistant overseer, who fulfilled the duties of the Scotch under-assessor or valuator, acting under a head, who might be clerk to the guardians, corresponding to the head assessor in Scotland"?—I cannot say I do agree with Mr. Baxter in that opinion.

619. You, as I understand, would give power to the clerk of the guardians to revise the list, and to do what is necessary?—Yes, to make a preliminary revision.

620. But would you still continue the duties of the overseers in the preliminary preparation of those lists?—No.

621. But having regard to the duties of assistant overseers generally in England and Wales, do you not think that that power could be beneficially confined to the valuator and the men who should prepare the lists?—It might be so; but I should certainly prefer the preparation of the lists myself being made by the clerks of unions.

622. May I ask whether your objection to the other system would be on the ground of expense?—Yes.

623. But at the present time every overseer is paid for the preparation of the lists, is he not?—I beg your pardon, it is not at all so, I think.

624. Is it not the fact, that the revising barrister at every revision court pays the overseers for preparing the lists?—No.

625. Mr. *Dodds.*] The payment to the overseers is merely for their expenses in attending the revision, is it not?—The barrister pays him what expenses he has incurred; I speak of what has come under my own knowledge, for I have attended the revising barristers' courts in every circuit in England, except the western circuit; the revising barrister simply pays the expenses which they actually incur, and the mileage.

626. Mr. *Richards.*] He does not pay them anything for the preparation of the list, except the cost of printing?—Nothing else; the pay for printing is part of the cost incurred.

627. Then if the practice in some courts is to pay the assistant overseer for his trouble in the preparation of the list, you think that payment is an illegal payment?—I will not go so far as to say that it is an illegal payment, but I say that it is a payment which I have never seen allowed by a revising barrister; and with the exception of two years, I have attended the revising barristers' courts ever since the year 1843, I have never seen it done.

628. Assuming that an occupier has a freehold qualification, independently of his qualification as occupier, do I understand you to say that you would strike the freehold qualification out?—No, I would strike the occupation qualification out.

629. But assuming that he is the tenant of A. B, and has a freehold qualification 50 miles away in the county from that occupation, would you strike him out as occupier, or would you strike him out as owner?—I would strike him out as occupier, because he can claim to vote in his own district.

630. Would you, in the case of an objection failing, give costs upon any scale, or would you give costs in relation to the value of the time lost by the voter coming up to prove his qualification?—I am afraid that you would never make a scale that would work satisfactorily; I think the revising barrister is the best judge of that; because he judges upon the whole state of the facts as disclosed before him, and he awards costs to the best of his ability; I may say that I have seen greater reluctance on the part of barristers to give costs than to withhold them.

631. Assuming that an artizan earning 10 *s.* a day, had been obliged to attend a revising barrister's court three days in order to prove his qualification, and that independently of loss of time he had incurred expenses in remaining in court; do you think that the revising barrister should pay him by scale, or that he should pay him the actual loss incurred?—I think he should pay him the actual loss incurred; but really I never heard of such a think; it is quite new to me.

632. Mr. *Dodds.*] Do you mean to say that you never heard of such a thing as an artizan attending three days at a revising barrister's court?—I never did.

633. Mr. *Richards.*] Would you give the revising barristers absolute powers in fixing their courts, or would you have an appeal to the Court of Common Pleas, if the parties felt aggrieved at the mode in which the revision was fixed by the barrister?—I would have an appeal to the Court of Common Pleas.

634. Do I understand you to mean that that answer would apply also with regard to the number of days fixed for the attendance of persons from each polling place to claim to be placed on the register?—Yes.

635. So that the evils that might have occurred from two days having been fixed, and the actual time extended to six days, might be cured by an appeal to the Court of Common Pleas?—Yes.

636. Have you, in your experience, always found that the postal service was sufficient for objections?—Yes, in England, certainly.

637. You have not had any experience of Wales, I suppose?—None whatever.

638. Then assuming that the postal service could not be proved, from the fact of no delivery of letters taking place, do you think that omission should be cured by legislative enactment?—Yes.

639. You think it should be held sufficient that the objector should prove that he had posted the letter in the same way as is done in ordinary postal deliveries?—Yes.

640. Mr. *Johnston.*] You are familiar with the Report of Mr. Harcourt's Committee of last year on Borough Registration, are you not?—Yes.

641. Would not the recommendations of that report be applicable to county registration in the following particulars, which I will mark by letters: (A.) That registrars of voters, permanent and paid, should be appointed in each poor law union?—Yes.

642. (B.) That the clerks to the assessment authority should be the registrars of voters?—Yes.

643. (C.) That the registrar of voters should revise

Mr. *Roberts.*

13 May 1870.

revise the register after the receipt of claims and objections, and of all the information he can otherwise acquire, giving publicity to the lists both before and after such revision, as well as to the notices of objection subsequently made, and to the lists, as revised by him after receipt of such objections?—Yes.

644. (D.) That claimants or objectors dissatisfied with the last publication of the list shall give notice to the registrar of their intention to persevere with their claims or objections, and that such questions shall be heard by the revising barrister?—Yes.

645. With reference to this last point, is there any necessity for any other than these disputed cases coming before the barrister?—There may not be an absolute necessity for it, but no man should be debarred from going before the revising barrister if he chooses.

646. But then it would be a disputed claim, would it not?—Yes; but the registrar might be perfectly satisfied in his own mind about the qualification one way or the other, and the party concerned might be as fully satisfied in his own mind in a contrary sense. Now, that man in my opinion should certainly be allowed to go before the revising barrister.

647. But that would come under what I call a disputed case, would it not?—Yes.

648. Then is there any necessity for any other than these disputed cases coming before the revising barrister?—No.

649. (E.) That the system of street lists should be adopted in parishes containing towns, not being boroughs or large villages, and that the registrar of voters should decide (subject to an appeal by any voter registered in such parishes to the barrister, and from him to the superior court), which parishes should be arranged in street lists and which in alphabetical lists; do you agree with that?—Yes, that would be a great improvement.

650. (F.) That an appeal should be given from the barrister to the Court of Common Pleas in all cases?—Yes.

651. (G.) That in order to secure greater uniformity of action a controlling authority over the body of revising barristers be given to the Court of Common Pleas, and that the appointment of revising barristers should be given to that court?—Yes.

652. (H.) That grounds of objection should be specifically stated by objectors?—I am in favour of such a course being adopted, but there is great difficulty in saying what is a specific statement of an objection; because a man, and even an intelligent man, might think that he had stated his objection clearly enough, and the revising barrister might decide that he had not stated his objection specifically, and that he ought to have added something; therefore there is a great difficulty with regard to that; but on the whole I should be in favour of stating the ground of objection specifically.

653. That difficulty would be a good deal got rid of by the preliminary investigations of the registrars, would it not?—Yes.

654. In the event of a street list being adopted, the old list, and rated occupiers' list, would of course be merged; might they not also be merged in the more rural parishes where the list would remain alphabetical?—Yes; I have stated that I think the lists should be merged.

655. This would get rid of the doubt as to whether the overseers are bound to include in the rated occupiers' list, names already on the old list, would it not?—Yes.

656. Is not the present system of having two lists for each parish excessively inconvenient in the case of a contested election?—They are inconvenient enough for registration purposes, and very much more so when all is hurry and bustle.

657. Would you anticipate any difficulty from polling districts not being co-extensive with unions, or from some unions including portions of two different constituencies?—The only possible difficulty would be one which does arise now sometimes, where a parish is partly situated in one county, and partly in another county, and the revising barristers for those two counties happen to hold their courts on the same day for the polling district in each county in which that parish is situated; that is the only difficulty that could arise.

658. And that could almost always be obviated by a little accommodation on the part of the revising barristers, could it not?—Yes.

659. Is there, in fact, any reason why registration districts should coincide with polling districts?—None whatever.

660. Provided each parish were kept distinct, would it be any greater trouble to the clerk of the peace to arrange the parishes in their proper order, under the heads of the various polling districts, than at present?—No.

661. Would you recommend that it should be part of the duty of postmasters in rural districts to inform the registrar of voters for their district of changes of residence by voters in the parishes within their delivery, and that, for that purpose, copies of the register of such parishes as soon as printed, should be furnished to them by the registrar of voters?—Yes, that would be very useful.

662. Would it not be desirable to make the days for the various stages of the revision identical in counties and boroughs?—Yes; that was the case before the Act of 1865, the 28 Vict. c. 26; but that Act altered the time at which the revising barrister might hold his first court, from the 15th of September to the 20th.

663. But the alteration of the law which we now contemplate, both in counties and boroughs, would afford an opportunity of making the days identical, would it not?—Yes, I think it would be an improvement.

664. Referring to clause 11 in the Bill of the honourable Member for Stockton, do you not think voters should be allowed to poll wherever they please, provided they satisfy the barrister that the polling-place chosen is the most convenient for their residence?—It all depends on the word "convenience." I think that legislation for special cases is objectionable, as I understand it; I think, upon a balance of advantage and disadvantage, that the balance of advantage would be in favour of compelling a person to poll within his own polling district; because if he wishes to poll in another district, the answer to that is, "Get your own parish made into a polling-place, or get it annexed to that district in which you wish to poll."

665. But take the case of Wanstead parish, for instance; the Whips Cross polling-place is actually in that parish, or very close to it; but yet, for a vast number of voters in Wanstead, Stratford would

would be the most convenient polling-place, would it not?—There is no doubt of it; that is so.

666. Do you not think it would be fair that such voters, being chiefly men whose time is fully occupied, should be allowed, provided they satisfied the revising barrister, to put on their names at the poll at Stratford?—I should prefer that they should get their own village or place made into a polling-place, which they would have no difficulty in doing, I think, by memorialising the court of quarter sessions.

667. Have you not known instances where a town has had an immense difficulty, and almost an impossibility, in getting itself made into a polling-place by the court of quarter sessions?—Yes, but that was prior to the great fit of liberality that came over the kingdom in the year 1867; we were far more restrictive in those days; and it is the fact, as you say, that there was a very great difficulty in getting polling-places made.

668. Would you not consider that the expression used by the Right honourable Chairman with respect to there being "a vast number of duplicates," rather too strong, judging from your experience; that is to say, that there are a vast number of duplicates on the existing register?—There are a great number of duplicates; in fact, I think the expression is quite right, that there are a vast number of duplicates.

669. In South Essex do they amount to more than three or four per cent.?—In South Essex I think there are about 230, or something like that, out of a register of about 7,100 odd.

670. That would be about three or four per cent., would it not?—Yes; but you must not take South Essex as a specimen of what the registers are. I will mention the case of another register, that is, East Cheshire, with much fewer voters than South Essex, and there the duplicates number over 450.

671. Now you say, that in the year 1868, in South Essex, 1,335 voters had to be struck off the occupation list, because they were already on the old list; and in 1869, there were 1,275?—Yes.

672. And those numbers would have been very much greater, would they not, had it not been for an intelligent official in a parish containing 2,000 electors, who did not put such voters on the occupiers' list at all?—In the year 1868 that gentleman, as you state, did not put persons on the 12 *l.* list who were qualified on the original list, but in the year 1869 he did put them on; the fact is that he thought he had made a mistake the first year, and last year he put them on.

673. I wish to ask your opinion whether, in the present state of the law, it is not the duty of the overseers to put person already on the old register on the 12 *l.* list?—It is their duty to do so, there is no doubt about it.

674. At first you had a contrary impression, had you not?—I cannot say that my impression about that was very strong; I know that it is very desirable to save the revising barristers trouble, and where a qualification is known to be incontestible, a man should not have his name put on the 12 *l.* list simply to give the revising barrister the trouble of striking it off again; but I believe it is now the duty of the overseer, as the law stands, to put on all who are qualified.

675. Your suggestion, if I rightly understand it, is that persons becoming possessed of property after the 20th of July, should be allowed to register for that year; that amounts to a new franchise, does it not?—No, I think not; it simply amounts to an extension or prolongation of the time during which a man may claim for the old franchise.

676. But the extension of the time up to which Parliament has allowed claims to be sent in is not a mere matter of registration, but amounts to an extension of the franchise, surely; it is a removal of a restriction, in fact, is it not?—I cannot see it in that light myself.

677. Mr. *Dodds.*] Are you very well acquainted with the provisions of the Assessment Act?—I am not.

678. Nor with the working of it?—No, I am not.

679. Assuming that, under the provisions of that Act of Parliament, accurate valuation lists of the whole of the property in every township and in every poor law union are prepared annually, would not those lists form an excellent basis for preparing the register from?—There is no doubt of it.

680. And those perhaps, as you are aware, are already under the charge of the clerk to the union assessment committee, who is usually also the clerk to the guardians?—Yes.

681. You share apparently with Mr. Baxter a strong feeling against our present class of overseers; you think that they are unlettered men, and unfit for the duties of preparing the registers, do you not?—Yes.

682. Are you aware that it is now almost the constant practice in every large town, in every considerable township or parish in the north of England, to have an assistant overseer who is paid for discharging the duties of the office, and who virtually discharges all the duties appertaining to the office of overseer?—Yes; but that practice is not confined to the north of England, it is so in the south of England as well.

683. I suppose that the great difficulty which you apprehend in consequence of the ignorance of overseers is probably diminishing all over the country?—There is no doubt that it has diminished considerably during the time that I have been connected with registration matters; very much indeed.

684. I suppose we may take it that the tendency is further to diminish that difficulty?—I hope so.

685. By means of that kind of machinery, do you think there would be any practical difficulty in the way of obtaining official registers throughout the kingdom of the voters on property in counties?—There would be no difficulty, in my opinion, when those lists are all perfect, in obtaining an official register, and then that official register would contain a great deal more than it is wished to contain.

686. In what particular do you mean?—When you copy a register for a county, that register is made up of different townships or parish lists, as the case may be, and if you had an accurate register of all the properties in the county, then you would have on the various parish lists the names of the same persons put in each of those places.

687. Is not that really the case at present?—I find that it is so in some degree.

688. Would the system to which your attention has been called have a tendency to increase those duplicate entries?—I think so most unquestionably.

689. Will you kindly point out how that would arise?—It would arise in this way: that many

Mr. *Roberts.*

13 May 1870.

men who have properties in different parishes or townships would by this official action be put on the lists, who do not appear upon the present list, and who have no intention of being on it.

690. You mean that the man would be put on for every parish where he has property, whereas, as a matter of fact, he only claims for one or two?—That is so.

691. Do you not think that a meeting of the clerks in the various unions forming a county or division of a county, after the lists had been prepared, would enable him to strike out most of those names?—It would; but it would occupy a great deal more time than I daresay you imagine. I think that in the North Riding of Yorkshire such an operation would occupy considerably more than a week.

692. I need hardly inform you that I know the North Riding of Yorkshire very well; do you think we shall be unable to work it very satisfactorily in the way I have mentioned?—It could not be done satisfactorily in any county in England without an alphabetical register, and that alphabetical register to be made every year, then it might be done.

693. Another difficulty which you have suggested has reference to the tenure of property; does not the same difficulty exist in a practical form at the present time?—No doubt it is so.

694. In your opinion does this proposal in the slightest degree increase the difficulty in any way?—No.

694.* When once a register is formed, and the property described upon it, there would be very little difficulty on that ground, would there; I mean with regard to pointing out the tenure of property?—Of course there would not be difficulty on that ground; it is only the "when" that I have great doubt about; I think it is rather a remote period to look forward to.

695. You think that we shall never get at any accurate list in that way?—No, I am not going to say that; it may be done, but it will occupy a considerable number of years in a country like England, with its vast population and its numerous properties.

696. You have mentioned a difficulty which particularly suggests itself to your mind in connection with Middlesex and towns in the north of England; which towns in the north of England did you refer to?—Manchester, Liverpool, Leeds, and Sheffield.

697. Is there much copyhold in those places, or is it principally freehold and leasehold property?—Freehold and leasehold property.

698. Do you not think that in each of those places the property of any particular tenure is principally situated together in one locality?—No; I know of my own knowledge that it is not so in Manchester or Liverpool, at all events; I cannot answer for Leeds, because I do not know anything of the details; nor do I know the details about Sheffield.

699. You have mentioned the case of persons claiming for the first time to be placed on the register, and you suggested that they should be called upon to prove their claims in the first instance?—Yes.

700. How do you suggest that that should be done?—I should suggest that they should do it either in person, or by their solicitor or agent.

701. But would not such a provision as that operate very grievously on poor persons who are not unfrequently resident at some distance from the place of revision?—There is no doubt that there is some hardship in that; but according to what I would recommend, that hardship would only be endured once; and if an assault were made on his qualification again, the man would receive substantial remuneration.

702. Do you not think, if the Legislature has conferred a qualification on the owner of a particular property, that every facility should be given to him to have his name placed upon the register, without subjecting him to unnecessary expense?—No doubt that is a very reasonable proposition; but with regard to qualifications that are based on property, there are so many considerations arising out of those qualifications that are known only to the individual himself, and which cannot be known to other people, that I do not think it is an unreasonable thing for a man who claims as property owner to be compelled substantiate his claim in the first instance.

703. Would it be sufficient in your opinion if every person claiming to be placed on the list of voters, made a statutory declaration verifying the accuracy of his claim?—Yes, I think that would do very well.

704. If that were made, say, before any magistrate, you would then probably think it right that costs should be given, if the man should be objected to after doing that?—Yes, if he should be objected to after that, and if he should prove his claim after having made a statutory declaration, then I think he should have his costs.

705. We are speaking entirely of new claims?—Yes.

706. You have mentioned the case of some fictitious claimants in East Cheshire?—Yes.

707. Did those gentlemen happen to be on the register for the first time, or were they new claimants?—They had been on the register for the last nine years.

708. Therefore their case affords no illustration with regard to giving proof at the beginning, when the claim is first made?—No; the fact is, that in East Cheshire, before the county was divided, I think that I am not wrong in saying that for 25 years neither political party paid the smallest attention to the registration, and there would have been no difficulty in any man sitting down and writing out a number of claims for persons for any populous place in East Cheshire, and their names would have been inserted in the register as a matter of course. The revising barrister has no power to call in question any claim which is not objected to, and neither political party taking any action, of course they would have passed on to the register.

709. But cases of that kind could not occur if a statutory declaration was required at the outset, could they?—No, I think not.

710. Would it be desirable, if an official registrar should be appointed, that the list of claimants should be kept open during the whole of the year, so that a person claiming to be put upon the registrar might at any time call on him to hand in his claim?—Yes, I think that a person should be enabled to claim all the year round; that the very day after the revising barrister had closed his book, a person might send in his claim to the registrar for the next year.

711. With regard to the expenses of overseers, is not the 57th sect. of 6 Vict. c. 18, as follows: "And be it enacted, that an account of all expenses incurred by the overseers of every parish or township in carrying into effect the provisions of

of this Act shall be laid before the revising barrister at the court at which the list of voters for such parish or township shall be revised; and the said barrister shall sign and give to the said overseers a certificate of the sum which he shall allow to be due to them in respect of the said expenses?" —Yes.

712. The legal provision for expenses does not extend beyond that?—No.

713. You have suggested, with regard to the powers of revising barristers in appointing their their revision courts, that there should be an appeal to the Court of Common Pleas; would it not be a little inconvenient to have to resort to the Court of Common Pleas in September or October, when the court is not sitting?—Yes; there is no doubt that at that period of the year it would be so.

714. And that is the period of the year when those revising barristers' courts are held?—Yes.

415. Would it not answer the purpose if there were a power of appeal given to the clerk of the peace for the particular county?—He is hardly the kind of functionary, as we understand these matters socially, to put above the revising barrister.

716. No, I quite admit that; but the clerk of the peace has local knowledge that, generally speaking, the revising barrister has not; is not that so?—But I think that if the Legislature made it compulsory on the revising barristers to hold courts at every polling-place the necessity for appeal would never arise.

717. You have already said, I think, that you entirely approve of that feature in my Bill of the present Session?—Yes, I entirely approve of that feature.

718. And I suppose that you agree with me, that it is much more difficult to get a voter to attend for the purpose of supporting his claim to be put on the list, than it is actually to get him to poll?—There is not a doubt of it.

719. Did you state, in answer to some other honourable Member, that you want the ground of objection specifically stated in every notice of objection?—If I said so I must have misapprehended the question; I simply meant that to apply to persons already on the register.

720. Do you not equally think that that should apply to the case of persons who are claiming merely to be on the register; why should they not have full notice of the particular nature of the objection that is to be made to them?—I do not think it would be wise to do that; I think, as I have stated before, that a person coming on the register for the first time should prove his claim.

721. Then, if a person having nothing more to do with the matter, but being simply on the register, chooses to object, you would expose the person objected to to the necessity of coming to the revising court to prove it, and that upon an indistinct notice of objection?—That is my opinion.

722. You think that it is unnecessary to state specifically the ground of objection in the case of a new claimant?—I do.

723. You are acquainted, no doubt, with the 6th clause of the Act of 1865, with regard to specifying the grounds of objection in the notices?—Yes.

724. Of course your attention has been directed to that portion of it where it is stated that the provision, with regard to stating specifically the ground of objection, "shall be deemed to be sufficiently satisfied by naming the column or columns of the list on which the objector grounds his objection;" is it sufficient, do you think, merely to do that, or would it not be better that the specific ground of objection should be stated in a case of that kind?—With regard to a voter on the register, it is quite reasonable that the specific ground of objection should be named.

725. And those qualifying words you think, I suppose, should be omitted from that 6th section?—Yes.

726. It limits the generality of the former portion of the clause as it now stands, does it not?—Yes.

727. I daresay that you paid some attention to that Act of Parliament when it was passing through the House of Commons?—Yes.

728. Was that particular sentence introduced during the passage of the Bill through the House of Commons, or was it in the original Bill?—I think it was in the original Bill, but I should not like to state that positively.

729. Then with regard to the allowance of costs, do I gather that you approve of the provision in the 5th clause of my Bill, which requires the revising barrister to award costs not exceeding the actual expenses incurred and compensation for loss of time?—Yes.

730. You think that is reasonable, do you?—I think that is very reasonable.

731. You have also stated, in answer to a previous question, that you approve of the revising barrister having enlarged powers of making alterations and amendments in revising the lists of voters?—Yes.

732. You have referred to the notices of objection; might it not be expedient to give the revising barrister in certain cases power to waive technicalities even in notices of objection?—Yes.

733. That is to say, where insisting on a technicality stands in the way of justice being done?—Just so.

734. You would give revising barristers amended powers in that respect?—Yes.

735. Does your experience enable you to say that very frequently great inconvenience is occasioned from the necessity for making personal application to the overseers, especially in rural districts, for copies of their lists?—Yes.

736. Would it be reasonable that any person requiring a copy or an extract from the list should be enabled to apply for it by post?—Yes, I think it very reasonable that he should be empowered to do that.

737. And that especially applies to cases where the townships are widely scattered and the population is not very dense, I presume?—Yes.

738. You would probably improve the 7th clause of my Bill by providing that a reasonable fee should be paid for that list?—Yes; I would have it paid for according to scale; the same as the scale in Schedule D., Table I., to the 6th of Vict. c. 18.

739. If the present system should be continued, and the services of the overseers are still required, do you think that it would be reasonable that they should in some way verify the list of voters in the same way as they are required to do

Mr. *Roberts.*

13 May 1870.

do in the case of jury lists?—Yes; there is nothing unreasonable in that; in fact, there was one learned gentleman, who is since deceased, whose court I attended for more than three years, and he always required the overseer to do that.

740. But I am afraid there is nothing in the law to authorise that?—Nothing.

741. But you think it reasonable that that should be one of the provisions in any amended Act?—There is nothing unreasonable in it, I think.

742. Is it not necessary that in certain cases that should be done?—No doubt it is necessary in certain cases.

743. The overseers in preparing the list for the rates have to swear to the accuracy of the rate-book, have they not?—Yes.

744. And so it is with regard to the jury list? Yes.

745. And you think that the preparation of the list of voters should follow the same rule?—Yes.

746. Is it desirable, do you think, that any person authorised by the ratepayers, the registration agent for instance, should be enabled to inspect the valuation list, the rate-books, and so on, in the different parishes?—I think it is very desirable.

747. Is it not the fact that very frequently inexperienced and unsuitable men are appointed to perform those important duties?—Yes.

748. You think probably that a better class of men would be obtained if it were left entirely to the Court of Common Pleas to appoint those gentlemen?—I think it is very likely.

749. With regard to the power of revising barristers, you are asked with regard to the desirability of extending that power in certain particulars?—Yes.

750. Would it be very desirable that the revising barrister should have the power, on the application of any person who desires to call a witness before him, to issue a summons to such a witness?—Yes; I think the revising barrister should have the power to compel the attendance of a witness.

751. You are aware that if it is desired to call any witness before the revising barrister, it is now necessary to apply for and obtain a Crown Office *subpœna*?—Yes.

752. Do you think it would be desirable to substitute that mode of procedure by a summons signed by the revising barristers?—Yes.

753. You think that it should be possible to secure the attendance of a witness without applying to a solicitor or agent in London to obtain that summons?—Yes.

754. Mr. *Raikes.*] I think you said just now that a good many of the revising barristers appointed by the judges were persons more or less inexperienced; do you think that you would have any certainty that the Court of Common Pleas would appoint a more efficient or more experienced body of men than those who now fulfil the office?—I think that the Court of Common Pleas, as a rule, would be far more likely to appoint good men than single judges, because I think that a gentleman would be much less likely to be appointed as the result of private solicitation or friendship by a whole body than by a single judge.

755. Can you call to mind any particular case of any gentleman filling the office of revising barrister at the present time, or recently, who has shown himself really unfit for his office, so as to have had many of his decisions reversed on appeal?—I do not know that I can point to any one instance; but those gentlemen have the power of withholding an appeal, and, as I have often witnessed myself, they do withhold appeals when, in my opinion, it is reasonable that the appeal should be granted; the consequence is that their decisions do not come under review.

756. You said that you thought, on the whole, that it was reasonable the revising barrister should be able to compel the attendance of witnesses; upon whom ought the cost to fall of the attendance of such witnesses?—I think it should fall upon the loser of the contention, whatever it might be.

757. I think you also said, that you would not allow costs in any case to a new claimant?—Yes.

758. Would you make that an unalterable rule, or would you make exceptions where the objection was clearly proved to be frivolous, or if there had been any fraud in the case?—I should prefer to make it unalterable; because I should prefer, as I stated before the Committee in 1864, that a new claimant for property should prove his claim.

759. Let me put a case which you may be familiar with: the case of a claimant who is legally entitled to a vote, who receives notice of objection, and subsequently receives a letter purporting to come from the objector, and telling him that the objection is withdrawn, consequently that person does not attend to prove his claim and his name is struck off, ought not the court to have the power of imposing costs or some other penalty to prevent such a transaction as that?—Decidedly; I would make a signal example of any such person. My course has been (and it is what I have always recommended), when an objection has been withdrawn, to transmit the duplicate notice to the person objected to; the power is then out of our hands, and we cannot prove the notice of objection.

760. But of course a great many claimants might not be aware of that, and they would be satisfied with receiving such a letter as that, stating that the objection has been withdrawn?—So they would; therefore I say I would make a very signal example of any such person.

761. Then would you give the revising barrister power to inflict a fine, or would you be content with making the person pay the costs?—I think in such a flagrant case as that the revising barrister ought to have the power of inflicting a fine.

762. Mr. *Cross.*] I suppose it is the case that in those counties where the registration societies are not active the register very soon gets into a very bad state?—It does.

763. Do you think, supposing, for instance, that an Act of Parliament is passed for secret voting, so that the different societies on one side or the other would not know which way a person would be likely to vote, that the societies would take such an active interest in correcting the register as they do now?—I must give a speculative opinion upon that; I think the societies would be a little more active than they are now.

764. But at all events that would make it more advisable, if possible, to have the register in the first place self-acting?—Yes, so far as it could be made so.

765. Could

765. Could you tell me at all the expense of the registration to the Conservative and Liberal sides in any particular counties; I mean, can you give it me in general terms?—Take West Kent for instance (I speak now of West Kent before it was divided into West and Mid Kent), I think the average expense to each party, perhaps for some eight or nine years, was 450 *l.* a year.

766. Not more?—No; that would be about it.

767. Has it not been alleged that in some large counties the expense amounts to as much as 3,000 *l.* or 4,000 *l.* to each side?—I was not aware of that; I have never had such a communication made to me.

768. Now I understand that the overseers, in the first place, have to publish a list of those persons who have claimed to vote, on the 20th of July previously; the first step which they take is practically to publish the old register?—Yes, that is so.

769. Do you, or do you not, think that there would be an advantage, supposing that some registrar was appointed such as has been suggested, in allowing him to take, as the first step, the publishing of a preliminary register of his own, that is to say a corrected register according to his notion?—If you mean by that, that he should publish the register as it stood the previous year with some distinctive mark opposite those names that were to be left out, such as the words "objected to," and if he published at the same time a new list containing the names of all those who were qualified at that time, of course it would considerably abridge the subsequent work to be done and give more time for investigation of the list.

770. It would give more time for investigation of the list, and it would considerably diminish the expense, would it not?—I daresay it would.

771. And it would perhaps be still more the case if those persons who claimed to vote for the first time were enabled or ordered to send in their statutory declaration to the registrar before the preliminary register was published?—Yes.

772. In making notes of the sending in of a new claim, do you think it would be wise that the 3rd column should be more specific: I mean with regard to the nature of the qualification?—There is no doubt that a little more information might be given to the uninitiated in heading that column.

773. Do you not think that the nature of a man's interest in a property might very fairly be required to be stated?—Yes; you also might state freehold, leasehold, or copyhold, as the case might be.

774. Would you give the revising barristers power to amend that third column, in case there was no practical or substantial mistake?—Yes, I would indeed; take, for example, a case as extreme as you can well put, that John Jones claims in the third column as "gentleman," and in the fourth column puts "Folly Farm;" it is well known that John Jones is the owner of Folly Farm; it is a matter of public notoriety; in such a case I would allow the revising barrister to substitute for the word "gentleman," "freehold house and land."

775. I believe that many of the objections which turn out to be correct are based on the fact of the property belonging to a man in right of his wife?—That is one case.

776. And in other cases it is subject to some mortgage or other charge?—Yes; a charge is left on the property by will very often, which reduces the person's interest below the value of the qualification.

777. Do you not think that it would be advisable, in the first year in which a man makes his claim, that he should state that the property is his own in his own right, as a magistrate is bound to do, when he makes his claim?—Of course it would unduly lengthen the list; but still the revising barrister could eliminate that matter when he revised the list.

778. And it would save expense in the long-run, would it not?—Yes.

779. He might also state that there was no charge on the property to his knowledge?—Yes.

780. With those safeguards, do you think it would be advisable to let him claim for the preliminary list by making a statutory declaration, in the first instance?—Yes.

781. Suppose you objected to a man in the first instance, you would, probably, not think it right to visit the objectors with costs when a man was setting up his claim, unless it was clearly a frivolous objection?—Certainly not. My idea is that if he neglects to make a statutory declaration, and if he gives you no particulars, he is entitled to no consideration.

782. You would put it on the man claiming in the first instance to prove his claim?—Yes.

783. But after he was once on the register, if he was unjustly attacked, the objector should be visited with severe costs?—Yes.

784. But it very often happens, does it not, that a man who is on the register sells his property, and still retains his name on the register?—Yes.

785. Do you think that any plan could be devised by which a person who parted with the interest which gave him the right to vote should send in a notice that he had done so to the clerk of the peace, or some other officer, for the information of the person who makes out the list next year?—Yes, it would be very desirable that that should be done.

786. Or that some precaution should be taken that if a man exercised his vote after he had knowingly parted with the property which gave him that right, he should be subject to some penalty?—Unless I am mistaken, there is a penalty now.

787. Are you at all acquainted with the practice adopted with respect to the registration of property in the county of York?—No.

788. Nor with the electoral registration in the county of York?—No; I am not intimately acquainted with it, but of course I am in correspondence with our friends in the various ridings of Yorkshire.

789. Is there not the same register for property in Middlesex as there is in York?—Yes.

790. You know the practice with regard to the registration of property in Middlesex, I presume?—Yes.

791. Do you think that the register of property could in any way be made use of for the purpose of registration of voters?—When you speak of the official registration of property in Middlesex, that I know nothing about; I believe it is peculiar to the two counties.

792. There is nothing you know of to induce you to think that such register gives you special advantages in Middlesex for finding out the owners of property for registration purposes?—No,

Mr. *Roberts.*

13 May 1870.

No, I think not; I should have heard of it if that had been the case.

793. You have said that you were strongly in favour of having the register made out in street lists in certain populous places?—Yes.

794. That would, no doubt, save the overseers a great deal of trouble in the first instance, would it not?—No doubt.

795. About the 4th clause of this Bill, do you not think that if the grounds of objection are required to be stated specifically, it might very often lead to injustice?—I think, in my previous answer, I stated that even an intelligent man might think that he had stated the grounds specifically, and the revising barrister might hold that he had not stated that ground of objection sufficiently, and therefore there is that difficulty about it; but still I think that if a revising barrister is to have the power to alter and amend qualifications in the interest of the franchise, so also he ought to be empowered to allow an objection if he saw that there had been a substantial intention to do right.

796. Do you think if an objection was substantially right, whether wrong in form or not, it should make no difference?—Yes.

797. Mr. *Wynn.*] I understood you to object to the postponement that at present occurs in the admission of qualified persons to the register, in consequence of the revising barrister's court being the only tribunal in which they can be admitted to the franchise?—I spoke then of a certain class of voters. I spoke of persons who come into property by will, or by marriage, or by succession to office.

798. Does not that occur in the same way with regard to occupation; not quite to the same extent, but very nearly?—The time when occupations commence differs in various districts.

799. But a man must have been entitled to vote on the last of July?—Yes.

800. Therefore, he may have been a whole year in occupation previously to the revising barristers coming round?—A year and nine months, wanting 11 days, because the general taking is from old Michaelmas Day?—Yes.

801. Your remedy for that would be that the registration should be made continuous, and that a man should have the power of claiming at any time?—Yes, a man should have the power of claiming at any time; but you cannot well have more than one revision.

802. In the first instance you would allow him to claim, and to be put on the register without being subject to any revision, would you?—No; I have not stated that.

803. If you would not allow him that privilege, what advantage would he gain over the present plan?—The occupier would gain no advantage; the person who comes into his qualification, according to the statute, by one of those modes which I have mentioned, jumps into his qualification at once, and the other man has to grow into the qualification.

804. But where a qualification comes by devolution, that is to say, where he jumps into it, would you propose that he should, on the claim being made, be at once put on the register without being subject to any test, or any revision?—No; I think that such a man must give strict proof if it is after the day named in the statute.

805. Then before whom should that proof be given?—Before the revising barrister.

806. But the revising barrister, as you say yourself, would only be on the spot once a year —Just so.

807. What advantage would a man gain then —There would be this advantage; that all th persons who now, between the 20th July an about, on the average, the middle of October are kept off the list would get on the list.

808. I do not quite understand you; do yo speak of a man who has qualified on the 20th o July?—A man who has qualified since the 20t of July.

809. Between the 20th of July and the tim of the revising barrister holding his court?—Yes

810. Then you would defer the period of quali fication, if I may so speak, from the 20th of Jul until the day on which the barrister holds hi court?—Yes.

811. That is to say, if he became entitled t his property between the 20th of July, and th day of the revising barrister holding his court he might be put on the register?—Yes.

812. That would be, in fact, a gain of three months to him?—Yes.

813. Mr. *Read.*] It would be a gain of nin months, would it not?—It would be a gain o more than nine months; it would be a year an three months.

814. Mr. *Wynn.*] You said that you neve knew of any payment to overseers for the pre paration of the lists?—Yes.

815. Have you seen the overseers' account often before the revising barristers?—Yes, every year.

816. Should you be surprised to hear that in 10 years I never saw an overseer account, unless it was in some very small parish, that did no begin with a charge to the assistant overseer fo the preparation of the list?—I should be surprised to hear that.

817. That is so; in both divisions of Cheshire the accounts always begin with the preparation of the list for printing; that was in the days when the register of the parish had to be reprinted by the parish in the first instance; are you aware of that?—No, I am not aware of that. I ought to state that I have seen such charges brought before the revising barrister, but I have invariably seen them struck out.

818. Do you consider that the provisions of the Act of 1865 were not sufficient with regard to the specific statement of objections inasmuch as they did not direct the voter's attention specifically to the nature of the objections?—No, they did not; they did not direct the voter's attention specifically to the nature of the objections, because the voters, as a body, are uninitiated in these matters; they do not know what the first column means, they do not know what the second column means, nor do they know what the third column means. A man comes to me, bringing a notice of objection, saying, "I am objected to on the first column, I am objected to on the second column, or, I am objected to on the third column; what does it mean?"

819. You would prefer that the heading of the column, instead of the number of the column, should be given, or something tantamount to the name, or the residence, or nature of the qualification, or the locality of the qualification?—Yes.

820. I understood you to say you thought that the services of the Post Office might advantageously be called into requisition with regard to the removal of voters?—Yes, I think so.

821. Do you not think that that would be too loose

pose a method of proceeding?—It would be if it ere to go unchecked; but, as I understood the onourable Member for South Essex, it was mply that the services of the Post Office should e utilised, and that the Postmaster should give nformation to the registrar, but it would be for he registrar to verify that information before he cted upon it.

822. That is to say, it is on the assumption hat this registrar, to be a permanent officer resident in each polling district, is appointed?—Yes, uite so; it was only on that assumption that I nswered the question.

823. I understood the honourable Member for Stockton to ask you your opinion with regard to he advisability of having a court of appeal from he decision of the revising barrister to the Court f Common Pleas?—Yes.

824. The clerk of the peace is usually an ttorney of the greatest respectability in the ountry?—Yes.

825. Do you think that such an official is competent to decide upon the opinions of revising arristers in general?—I do not think there is an xact fitness in the thing.

826. Mr. *Dodds.*] In my question I referred nerely to the days and times for holding the evision courts, did I not?—Just so; I understood your question to have reference to nothing lse.

827. Mr. *Wynn.*] I understood you to say that he revising court should be held at least at every olling place?—Yes.

828. Your opinion in that respect was not ltered by the power given to appoint increased olling-places by the late Statute, I suppose?—No.

829. Would not that increase the expense of ttending to the register very considerably?—No, I think not.

830. But if the advocates on both sides and he revising barristers were taken to every single olling place, it would increase the expense, would it not?—I think not.

831. At all events you think that if that increase f expense took place, it would be counterbalanced y the advantage gained?—Yes, it would be an dvantage to the voter decidedly.

832. *Chairman.*] You would not leave it to he discretion of the revising barristers to hold ourts for the whole district at one place?—Certainly not.

833. You were asked if you contemplated the stablishment of a new franchise in the plan which you propounded with regard to registration; but is it not the fact that the introduction f a new franchise would mean the establishing f some qualification giving the right to vote, which does not now exist, whereas all you want s to facilitate and render more speedy the coming n the registers of a person possessed of an xisting qualification?—That is so.

834. With regard to this statutory declaration, t what period previous to the sitting of the evising barrister's court, would you have that leclaration made?—I should say that it ought to e made at least one month previously to his itting.

835. With such an enactment, would you rovide that notice should be given to the person who had objected to the claimant?—Yes, I think here should be notice given of such a statutory leclaration.

836. Are you of opinion that voters are sufficiently careful with regard to their own qualifications, and possessed of sufficient knowledge with regard to them, that it would be safe to allow those statutory declarations to take effect until they had been subjected to the testing power of a cross-examination before the revising barrister?—Voters, as a rule, are very ignorant about the legal bearings of questions with regard to their qualifications; but still I should say that men who are qualified to make statutory declarations of their qualifications with regard to other things would be quite qualified to make statutory declarations with regard to their votes.

837. You have given the Committee one instance of persons who held leasehold property for a long term who were quite offended with your venturing to suggest that they had not got freehold property?—Yes.

838. Would not such persons be likely to make a statutory declaration not quite in accordance with the facts?—Yes.

839. Would it be advisable to leave that declaration to stand good, unsifted by cross-examination before the revising barristers?—No, I think it should be sifted; the mere fact of signing a statutory declaration I would not hold as conclusive that a man should come on the register; but if, after making that declaration, he came into court after notice of objection and proved all the facts of his property correctly, then he ought to have costs; but if he came into the court and it was shown that he had stated the property as freehold when it was leasehold, then I would empower the revising barrister to make the necessary correction, in consequence of the mistaken views of the man himself; but with respect to giving costs, that would be out of the question.

840. You told the honourable Member for Stockton, I think, generally that you approved of clause 5 in his Bill; you had told me previously that you thought the costs to be awarded should rather have reference to the grounds of objection which the objector might have had, than to the actual trouble and expense to which the voter might be put?—Then I misapprehend clause 5.

841. Clause 5 says, "In case any objection to any person on any list or register shall not be sustained, the revising barrister shall award costs to the person objected to, such costs not to exceed the actual expenses incurred, and compensation for loss of time;" does not that point to the regulation of costs, according to the trouble and inconvenience which the voter may have been put to, rather than to the sound or unsound ground of objection which the objector may have had?—No doubt.

842. As there are very nice points of law with regard to which the validity of votes is decided, and objectors may have made objections, *bonâ fide*, which cannot be sustained, would it not be rather hard on them, that the consequences of the voter being at a long distance, and being put to expense and trouble, should be visited on them?—Yes; I put the case in this way: suppose I was on the register for Middlesex, and I happened to be over in France at the time that the revising barrister holds his court, and I thought so much about my vote that I came over from France to support my vote; I should not expect the revising barrister to give me expenses for coming over from France to support my vote; my residence having been given as within the polling district or county.

Mr. *Roberts.*

13 May 1870.

843. Take such a case as this: I was myself once objected to, my qualification being perfectly accurately described, by the residence being given where I had one room, but did not actually reside; and the revising barrister decided that my vote was good, and should stand, but that he should amend my residence by inserting the house in which I actually lived, and I had to come some distance to defend that vote; but no costs were allowed me: is that, in your opinion, a case where costs should be allowed or disallowed?—I think costs should not be allowed in a case of that kind.

844. You think, even when a vote is good, and I may say is known to the objector to be good, yet if there is any substantial alteration made, although the vote may be sustained, costs should not follow?—No, certainly not; I call that a substantial alteration.

845. Your answer was, perhaps, rather hasty, and you misapprehended Clause 5 of the Bill?—Yes; I had not got it before me.

846. Mr. *Dodds.*] When amendments are made by the revising barristers, I believe it is the universal practice not to give the person whose claim is so amended costs, is it not?—It is nearly the universal practice.

847. That is the case, whether it is on the old list or is a new claim, is it not?—Yes, just so.

848. *Chairman.*] But let me call your attention to the wording of this clause: "In case any objection to any person on any list or register shall not be sustained;" that would include the necessity of giving costs in all cases in which objections were not sustained, although amendments might have followed on the objection?—Yes.

849. Is not your idea of an objection being sustained a case in which the objector succeeds in enforcing his objection; do you call the objection sustained in a case where the voter is kept on?—No.

850. Although an amendment may be necessary?—Just so; my view of a sustained objection is where we strike a man off the register.

851. Mr. *Dodds.*] Would you think that the clause should be qualified, so as to exclude from its operation cases where a person is retained on the list, but where an amendment of the description in some particulars is required?—Yes, I think the clause would require that amendment.

852. And perhaps also it would be reasonable to add, after the word "incurred," in the second line on the second page, some such words as these: "By reason of travelling from his ordinary place of abode;" would that meet your objection on that point?—Yes; "by reason of travelling from his ordinary place of abode," would do.

853. Leaving in the words, "and compensation," as the clause stands?—Yes.

854. Then you think the clause, with these amendments, would be a valuable one?—Yes, I think the clause might be so made.

855. *Chairman.*] Would not an out-voter living at a long distance from the place of his qualification be placed at an enormous advantage, because the objector who thought he might have to pay for a man coming from Northumberland to Kent might be alarmed at the prospect of costs?—Yes, there is no doubt he would. But still I should think the objector would not object to such a man, unless he had some very good ground for objecting to him; and if he could show very good ground for objecting to him, even if the vote was saved, the revising barrister, I shou say, would not allow more, at all events, than 3rd class fare, or something of that kind.

856. But this clause you understand mere to apply to persons entirely on the register, a not to new claims?—No, not to new claims. fact, I may say that all my evidence has been that direction.

857. Mr. *Dodds.*] But I think I understo you to say that a person who had verified claim by a statutory declaration should then in the same position as if he had been on the register?—Yes, if he proved afterwards that th statutory declaration was substantially right every particular.

858. In all other respects of course he wou be open to objection the same as any other pers on the list?—Yes.

859. Regardless of whether or not he h made a statutory declaration?—Just so.

860. Mr. *Brand.*] If an objection is made the third column of a register, the voter has appear in person to substantiate his claim, has not?—He need not attend in person.

861. Or by a representative?—Yes, by son representative; but he may send in his deed.

862. Does not that amount rather to a pr mium on objections being made to out-voters?- There is no doubt that where a man is not likel to come forward, there is a temptation to send an objection that really cannot be sustained; su cess in the objection being fatal to the voter.

863. Is it within your knowledge that regi tration societies are sometimes inclined to mak speculative objections to out-voters?—Yes, the have done so frequently.

864. You have stated that you were in favou of the claimant making a statutory declaration defence of his claim?—Yes.

865. But in answer to a previous question mine, you said that a great many voters have very hazy idea of their tenure?—Yes.

866. Do you not think that they would sig this statutory declaration with the same haz idea?—Yes.

867. With regard to successive occupation, a man leaves his occupation, and enters int another occupation in the same county, he cont nues to exercise the franchise, does he not?—Ye

868. But if he leaves his occupation in on county, and enters into another occupation i another county, he ceases to exercise the fran chise, does he not?—Yes.

869. Do you think that that system is un just?—I think that is really a very great hard ship indeed. No doubt, if you take the entir kingdom, thousands of votes are annually los by that system; that is to say, thousands of pe sons who are qualified in a given year are no qualified in the following year. It appears t me to be very extraordinary that a man may re move from the remotest corner of the Nort Riding to the opposite corner, and yet retain hi qualification if he has the occupation; whereas man who removes from one side of Templ Bar to the other side of Temple Bar canno retain his qualification: that seems to me t be a monstrous thing. I think, if a man re moved from one constituency to another, an proved his qualification, he ought to be regis tered as a successive occupier, just the same a he is allowed to do so within the same constitu ency.

870. Mr. *Cross.*] With reference to your an swe

r just now to the honourable Member for ckton about a statutory declaration being suf- ent, I think you still adopt what I suggested ore; namely, that if statutory declarations to be sufficient, it would be wise to make a negative those two things; that is to say, that he does not hold property in right of his wife, and that it is not mortgaged?—Yes.

871. Specifically?—Yes.

872. Because those matters are entirely within his own knowledge.

Mr. *Roberts.*

13 May 1870.

Mr. JAMES WILLIAM PILCHER, called in; and Examined.

873. *Chairman.*] I BELIEVE you are Secre- to the East Kent Liberal Registration As- ation?—Yes.

874. And you have acted in that capacity for e years, have you not?—Yes.

875. Before that time you were conversant h registration matters in the county of Kent, elieve?—Yes, for the last 15 years.

876. Now to come at once to the principal nts on which I wish to examine you, namely, h regard to the existence of duplicates; is your perience contrary to, or does it coincide with, t of the honourable Member for South Essex h regard to there being a great number of plicates on the register?—There is a very con- erable number. I will give you instances. ere are on the register in East Kent, 3,639 *l.*-rated occupiers, and 396 of them are dupli- e qualifications. In the district of Romney rsh, which is an extensive agricultural district, re are 173 12 *l.*-rated occupiers, and 69 of those duplicate qualifications; 13 are on the regis- twice, seven are on the register three times, three are on the register four times. That ses from the present state of the law only allow- the revising barrister to strike out a 12 *l.* upier where he appears as freeholder in the ne district in which he resides. There is one e of a gentleman, living in Lyminge, Mr. Rig- n, who is a freeholder living in the district of ythe, and a rated occupier in four other polling tricts in the county, and he remains on the re- ter in respect of all those qualifications. That why I suggest that the revising barrister should ve power to strike out all those duplicate quali- ations, and to retain the freehold qualification.

877. Does the existence of those duplicate mbers entail considerable expense and incon- nience at the time of a contested election?—es, it does entail very considerable expense and convenience; you have to canvass them in all ose districts, and you scarcely know where they ll record their votes.

878. It frequently happens, to the cost of can- lates, that circulars are sent out to these gen- men over and over again to the different tricts, does it not?—Yes.

879. Do you see any difficulty in the revising rrister's being able to ascertain, at the time of s holding his court, the existence of those plicates, and to strike them out?—I see no actical difficulty about that. The registration ocess is generally conducted by associations on ch side. The registration agents know where ose duplicates exist, and they have simply to ll the revising barrister's attention to it at the me, and he can refer to the list and at once e it, without the necessity of alphabetical regis- ation.

880. Is it not the case that in the county of ent we carry on our matters in such a friendly irit that the registration agents on both sides comparing notes obviate the necessity of put-

Mr. *Pilcher.*

ting the claimants to much unnecessary trouble?—Yes.

881. They could carry the same principle into effect in dealing with duplicates, could they not?—There is no question about it. I may say that Mr. Kingsford, the Conservative agent, entirely agrees with me on that point.

882. But even in other parts of England, where the like kind of spirit does not exist between the registration agents on both sides, do you think it would be possible for the clerk of the guardians, supposing the duty to be imposed upon him, by consultation and communication of a not very protracted and arduous character, to arrive at the same result?—I am disposed to think that the registration would not be better carried out by the clerk of the guardians than it is now by the overseers. In most districts there are assistant overseers, who have a knowledge of very many parishes; the cases of isolated overseers are very few in number. Those assistant overseers are collectors of rates as well, and they are considerably mixed up in parish matters, and know all the removals; whereas the clerk of the union would merely have the valuation books to guide him, and nothing more. The consequence would be, that probably a man would be left on as occupier who had given up the occupation some time previously. My experience of valuation lists is that they are not kept so accurately as they might be.

883. Have you read the evidence of Mr. Baxter, who has been examined before this Committee, or have you heard of it?—No.

884. If you were told that Mr. Baxter was of opinion that an assistant overseer should be appointed in every union district, and that it should be his duty to prepare those lists, and that the clerk of the guardians should supervise them, do you think that that would be a more effective plan than the existing plan?—I think that the lists would be made out effectually by the assistant overseers themselves. An assistant overseer has more intimate knowledge of the parish than the clerk to the board of the guardians has.

885. Would you not have the lists pass through the hands of the clerk to the board of guardians at all?—No, I do not think that any practical good would come of it.

886. You would maintain the revising barristers' courts, I presume?—Yes, decidedly.

887. And you would have an appeal direct from the assistant overseers' list to the revising barrister's court, I suppose?—Yes, clearly so.

888. Do you not think that certain eliminations, additions, and amendments might take place by the clerk to the board of guardians which would save trouble and expense in the revising barrister's court?—They are practically done by the registration agents at present.

889. That may be so in cases where counties are as fortunate in their registration agents as the county of Kent is; but suppose a county not so fortunate, and which may have no political asso-

Mr. *Pilcher.*

13 May 1870

ciations to check the register, may not the assistant overseers have better knowledge of the subject than the clerk to the union, and are not two heads better than one?—I question the second head being much better than the first.

890. What is your experience as to giving costs in registration courts?—I think that all new claimants should be called upon to prove their qualifications to the satisfaction of the revising barrister, and that costs in no case should be awarded. With regard to the suggestion of making a statutory declaration, unless it is very clearly done indeed, it would be signed as a matter of course, the persons not knowing what they signed. I recollect four years ago a gentleman being indignant with me for persevering in the objection against his vote in an examination before the court, his wife being entitled to the property all the while; and unless this statutory declaration was very clearly drawn, he would sign it as if the property was his own. As to the special charges which exist on property, more especially building societies' mortgages, an inaccurate declaration would be signed, and you would not know anything about it.

891. Do you think that the declaration would still be ignorantly signed if in the statutory declaration was embodied a provision rendering it necessary that the claimant should negative the two propositions which you have heard referred to?—I think that should be specifically and strongly inserted.

892. Do you not find that a great deal of the work in registration courts depends on questions as to the existence or non-existence of mortgages on freeholds?—Yes; very considerably so.

893. Unless that was carefully attended to, you think the statutory declaration would be signed omitting to state those mortgages?—Yes; or that they would simply state that there was a mortgage of so many pounds upon the property, but they would not state that it was a building society's mortgage, that in many cases takes away more from the income than the property itself produces.

894. With regard to polling places, do you think it would be well that the voters should be obliged to poll at the place nearest their residences, or would you leave the discretion to them?—I would leave the discretion to the voters themselves; sometimes it is more convenient, in travelling, to go to one polling place than another, although it may be within the district itself.

895. Is not the risk of personation increased by the voter polling at a place where he may not be personally known?—That might be obviated by instructions being sent to the polling district, "A. B. is coming into another district to poll, ask him who he is."

896. But in the hurry of a contested election, where there are perhaps about 30,000 electors, would it not be very possible that those instructions might be omitted to be given?—Certainly.

897. Have not many cases of personation come under your notice?—Not recently, but there have been many cases of personation.

898. There not having been such instances of personation recently in your experience, does it arise, in your opinion, from any improvement in the law, or from the great probability of their being detected through good organisation, or from some general advance of morality on the part of the voters?—It arises from the latter, I hope.

899. Will you kindly call my attention to a other point on which you wish to give evidenc —Under the present system of registration, a making out the lists, there is no reason why t county system of registration and the borou system of registration should not be as nea assimilated as possible; and why the overse at present should publish the original list on t 20th of June, and afterwards publish it again the 20th of July; surely on the 31st of July t overseers might publish the old register as th do the borough register, and the claims that ha been sent in; on the 20th of August the fr holders should send in their claims that th wish to substantiate, and the objections agai the existing freeholders should be sent in; t would remove the necessity of publishing so ma lists, and prevent confusion in dates, because has come under my observation that a man h been too late to claim, because he has thoug the times for the county and the borough w the same.

900. You would assimilate them?—I wou assimilate them.

901. Do you agree with Mr. Roberts' prop sition that certain persons coming into possessi of property after the 20th of July should ha facilities for getting on the register at an earli period?—I am inclined to think the contrary; think that is giving facilities to a certain class the expense of others. If a person comes in possession of freehold property, he must hold i certain time, and if he becomes possessed of freehold by descent, by benefice, or otherwi he should certainly hold it a certain time befo he came on the register, and if the register is be made out on the 20th or 31st, or any oth date, those claims should not be inserted aft the list is completed.

902. You would have one date, after which claim should be sent in?—I would.

903. And you would follow the same rule w regard to objections, I suppose?—Yes.

904. If I rightly understand your eviden you think that some confusion would ensue fr any such alteration as that which Mr. Robe suggested?—Yes, I think it would be giving undue preference.

905. Are there any other points which y wish to bring before the Committee?—There very many duplicate freeholders on the existi register. I should think it might be practical for those qualifications to be reduced to one. W have in East Kent several cases where men on the register three, four, and five times f different freeholds. I think that might be as milated to the municipal franchise, where if gentleman is on the register twice, he is call upon to determine at the revising assesso court on which qualification he will remain. H elects which, and in his absence the court ele for him.

906. Would there be any hardship on a pers in that position who had sold his freehold, might that hardship be obviated by increased cilities for claiming in right of another freehol —Yes, that he should claim next year, if he h a successive occupation; that is to say, if he h parted with one property and possessed anoth he should claim for successive occupation.

907. He might claim for one freehold befo he sold, retaining the one which he intended to s until he came on the register for another?—Y

908.

908. I suppose the only hardship would be in cases where parties had suddenly made up their minds to sell?—Yes.

909. But you might cure that, might you not?—Yes, by his claiming for successive freeholds as he does now for successive occupations.

910. That, you think, would remove the hardship, do you?—I think there would scarcely be a hardship under successive freeholds.

911. Mr. *Brand.*] You have stated that you are satisfied with the present officers who make out the lists?—Perfectly so.

912. Your experience shows you that they make out the lists properly?—Tolerably so; of course they are not perfect.

913. How many objections were there on the list in East Kent last year?—Perhaps 150 to 170 on each side.

914. Those were the number of objections that came before the revising barrister, I suppose?—Those were the objections that were made; very few of them came before the revising barrister; not 10 per cent. of them.

915. You think that, for registration purposes, the parishes would be a better authority than the union?—Decidedly.

916. That is to say, if a union had five or six parishes the registration would be better carried on in the five parishes than in the one union?—Yes; in those cases they have an assistant overseer, who becomes intimately acquainted with all the parishes.

917. In all cases?—Yes; he knows, practically, all the parishes, because he is always in the habit of going round the parishes, to collect the rates, the collector of rates and the assistant overseer being identical.

918. You object entirely to the lists being made out by some officer who should have control over the relieving officer?—I see no practical good in it.

919. Your evidence goes to this, if I understand it correctly, that the more persons there are employed in registration the better the work would be done?—Yes, if it is done by persons who have a more intimate knowledge of the parishes.

920. Mr. *Johnston.*] I think I understand you to say that where a man is on the register six times in the county of Kent, he would get six copies of the candidate's address?—Yes, very possibly he might.

921. Do you not keep an alphabetical list by you?—Yes.

922. That person would not get six addresses from one candidate, would he?—I do not say that he would, but it is possible that he might. Local committees send copies of the candidates' addresses, as well to men in their own district.

923. Mr. *Dodds.*] I think I understood you to say that you had not seen or heard the evidence of Mr. Baxter?—No.

924. In reply to a question by the Right honourable Chairman, he said that the present system of county registration is in a rather confused state, and that "Even with regard to the 12 *l.* occupiers, that system is susceptible of very great improvements, because of the very bad education, generally, of the overseers, their inaccuracy, and their not understanding what ought to be done;" your experience does not agree with that, does it?—Not with regard to East Kent. We have not so many ignorant overseers there, I am pleased to say.

825. Therefore you think it is in very good hands, being in the hands of assistant overseers, who have considerable knowledge of the persons who are entitled to come on the register?—Yes.

926. If in a poor law union (as in my own case) there are 50 parishes, a considerable number of assistant overseers, and a certain number of townships without any assistant overseers, do you not think the clerk to the assessment committee should have some controlling power so as to get the whole into one general system; not displacing your assistant overseers at all, but utilising them; would not that answer your purpose?—Possibly it might answer in those large districts.

927. But generally do you not find that there is some diversity of practice among overseers, and even among assistant overseers, who, as you say, are generally very intelligent?—No, not to any great extent; that diversity of practice is on minor points only.

928. I suppose you have some parishes where you have not the benefit of the services of assistant overseers?—Yes, there are some.

929. In those cases, perhaps, matters are not quite so well managed?—No, certainly not.

930. In such cases the appointment of a central officer in each union would probably make the machinery work more easily in a little time, would it not?—The principal error that is made by those overseers in isolated parishes is misdescription; they will put in "John Jones, grazier," or "gentleman," instead of his qualification.

931. But do you not find that they make more serious blunders by omitting to publish certain lists from time to time?—I have not found it so.

932. With regard to making a statutory declaration, would there be any difficulty in framing in a few lines a declaration that would not be open to the objections which you have pointed out?—I do not see any difficulty about it.

933. Do you not think that you could yourself in five minutes frame such a declaration as would be sufficient for that purpose?—I think I could.

934. You said that you had not had much experience that personation prevails to any considerable extent?—No.

935. If there were any tendency to personation, might not that be checked by imposing a somewhat heavier penalty on it?—Perhaps it might.

936. Do you think that the overseers should be required to verify their lists in the same way as they verify the jury lists and rates now?—The delivery of the list signed by the overseer, surely is a verification.

937. But should there not be a further verification by a statutory declaration on oath, as they are now required to verify the jury lists or the assessment lists?—I can hardly see any practical good to result from that; I do not think that the overseers make out the lists wrong, wilfully.

938. But if there were many persons of the class which Mr. Baxter described, perhaps a declaration of that kind would be useful, would it not?—Yes; if he finds the overseers so wilfully corrupt, we had better get a statutory declaration.

939. Would not that have a tendency to check inaccuracies, at all events?—Yes, it might have that tendency.

940. Do your revising barristers in East Kent hold

Mr. *Pilcher.*

13 May 1870.

hold a court in each polling place?—Yes, in each polling place.

941. I suppose if they attempted to consolidate two together, it would be objectionable?—Yes; we have a very kind revising barrister in East Kent, he has even held a court in a division of polling districts.

942. You think that in every case the revising barristers should be required to hold his court in each polling district, do you?—Yes, in each polling district, certainly.

943. Mr. *Read.*] Your assistant overseers are continuous officers, are they not?—Yes.

944. And hence their superior knowledge?—Just so.

945. If they were changed every year, as the parochial officers are, the system would not be so good, I suppose?—Even then they would have greater knowledge of the subject than the clerks to the guardians, because the assistant overseers must be moving about the parishes, and they must know all the changes that take place in the occupation and in the holding of property.

946. In a county like Norfolk, where assistant overseers are unknown in rural districts, do you not think that we might have an improvement?—If you have not assistant overseers there, you might have an improvement certainly.

947. Do you object to all new claims, as a rule?—No, we endeavour to investigate the claims as much as possible, and do not object to them if they are *bonâ fide* and honestly made.

948. If a 12 *l.* ratepayer is placed on the list of voters by the overseer, do you simply see that his name is on the rate-book?—Yes.

949. And you are satisfied with that, I suppose?—If he has been rated a sufficient length of time and the rating is sufficient.

950. You heard the evidence of Mr. Roberts, did you not?—Yes.

951. Do you think that by any possibility the owner's column in the rate-book could be so perfect as to be of any material benefit for registration?—I do not think it could. Property changes hands sometimes, and I know many cases where persons have remained on the register for two or three, and in one case for seven years, having parted with their property during the whole of that time.

952. Independently of that, there would be rent-charges and ground-rents would there not?—Yes, there would be rent-charges and ground-rents which would not be known to the officials.

953. Have you in your division of Kent any 50 *l.* occupiers whose names do not appear on the rate-books. Is it the custom, in any part of Kent we will say, for the owner of grass-land to pay all the rates, and the occupier's name is not on the rate-book?—No; I think the occupier's name generally appears.

954. Then in your district there would be no use for retaining the 50 *l.* qualification?—Certainly not.

955. Is a man ever put down for the two qualifications, namely as a 50 *l.* occupier, and a 12 *l.* property ratepayer?—Yes; but it is struck out in the revising barrister's court.

956. Are the expenses of your registration very considerable?—They are about 300 *l.* a year for each side.

957. Those expenses are paid by subscriptions, are they not?—Yes.

958. And not by the members?—members pay their share of the subscrip list.

959. Mr. *Egerton.*] The appointment assistant overseer is optional now, is it not Yes.

960. Would you make it compulsory in o that the register might be properly attended —I think that an advantage would be gained doing that.

961. You think it would be desirable that Committee should report that the appointmen assistant overseers should be compulsory in cases?—Yes; I think the assistant over would be more likely to get a correct regi than the clerk to the guardians or unions.

962. Mr. *Cross.*] Mr. Roberts has now poi out to me the section in the Act of Parliam with regard to a person who voted when he off the register; it is the 79th section of 6 V c. 18; will you read it?—Yes; I know it.

963. That section merely makes the vote l but imposes no penalty whatever on the r who votes, is not that so?—I see no penalt that section.

964. I should like to ask your opinion u this point, do you, or do you not, think it wo be advisable to impose a penalty on any man v voted in respect of a qualification which he parted with since the registration?—I am incli to think that a man's name being on the regis should be held to be sufficient proof of qualification.

965. But the Act of Parliament says it sho not, does it not?—I know it does.

966. It is a bad vote by Act of Parliam now?—Yes.

967. If a man exercised a bad vote, ought not to be subject to some penalty?—In all ca if a man acts contrary to an Act of Parliame he is liable to a penalty; and there is no reas in my opinion, why he should be exempt fr that penalty in a political sense.

968. Do you think it would be wise to en that if a man parted with his qualification, should give notice of the sale to the assist overseer, or the clerk to the guardians, or clerk of the peace, or whoever was appointed make out the register?—In that case you m impose a penalty. No doubt it would be a gr assistance.

969. What is the number of voters in your vision of the county of Kent?—Twelve thous seven hundred and twenty.

970. What did you say are the costs of reg tration on each side?—About 300 *l.* We are seventh county constituency in the kingdom.

971. Now about duplicate votes; you ha stated, I think, that a man ought to be cal upon, if his name is two or three times on register, to elect which qualification he will v for, as he does in a municipality, where he v vote at?—Yes.

972. What officer, in your opinion, should c on the voter to do that?—The revising barrist in the case of the municipal franchise it is revising assessor who does it.

973. Would you suggest that in that statut declaration there should be added an asserti that the man had not claimed for any other qu fication in that division of the county?—Y that would be an improvement, I think.

974. But we should have rather a complicat statut

atutory declaration, should we not, if that were ?—Yes; there is that difficulty.

975. Mr. *Wynn.*] I gather from what you say, at in your district the assistant overseers are ually people of tolerable education?—Yes.

976. Are they really assistant overseers for e separate parishes, or is it a professional man king up the business of assistant overseer, and ing from parish to parish in the wake of the vising barrister?—No; he is appointed assistant verseer for certain parishes.

977. But is he not very often appointed for veral parishes?—Yes, for several parishes in union; for instance there is Sittingbourne, ith 25 parishes, and one gentleman represents e whole of those parishes, with the exception of 4; he is assistant overseer, and the lists hat are made out under his supervision in the 1 parishes are better than those in the other districts; they are very correct, and it is very eldom that there is any alteration in his 12*l.* ist; of course the freeholders are open to objection.

978. *Chairman.*] Did I understand you to say hat you would make compulsory the appointment f assistant overseers for parishes?—Yes.

979. But would it not be better to have them appointed for unions?—They are now appointed or unions.

980. You say that the Sittingbourne assistant verseer represents 21 out of 25 parishes?—Yes.

981. What becomes of the others?—The others hould be incorporated; but he does not act for hem in consequence of their being in another nion district, and not in the Parliamentary district.

982. You speak of polling districts and not of nion districts?—Just so.

983. You do not think that it would be well to nake the union districts and the polling districts co-extensive?—If you appoint assistant overseers hat must be so, otherwise the assistant overseer would have no control over two or three of the parishes that were not in the union district.

984. There would be a cross division?—Yes.

985. With regard to the mistakes made by the overseers, which are not very numerous in East Kent, may you not in a great measure account for that from the peculiar circumstance of that county having been exposed to a series of very close contests, and to the overseers having been watched very much?—Yes. I think I have already stated that 13 parishes are partly within one division of the county and partly within another, and many mistakes arise in that way, n the occupiers' list especially.

986. But now, even without making the union district co-extensive with the polling district, if assistant overseers were appointed in every union for the purpose of making out the valuation lists, those valuation lists, without the co-extension of the two districts, would be very easily made applicable to the existing polling districts, would they not?—Yes; but those valuation lists do not undergo sufficient revision to make them an authority for registration purposes.

987. But supposing Mr. Baxter's suggestion was carried out, namely, that the assistant overseers' duty in union districts should be, with great care, to prepare the valuation list for the purpose of rating, would not an improvement of the register naturally follow?—Yes, so far as the occupiers were concerned, but not in the freeholders.

988. Take the case of an owner of property, if any recommendation was made to Parliament, and any law passed by Parliament which should divide the rates between the owner and occupier, instead of causing them all to be paid by the occupier, would you not have a good guarantee that the right owner and the right occupier would be placed in the right columns of the rate book?—You might have the right owner, but you would know nothing about the charges on the property.

989. But would you know any less of the charges on the property than you know now?—No, you would not know any less than you know now; but my opinion is that the list could not be taken as conclusive authority.

990. But I suppose the list would, in all probability, be a no less conclusive authority than at present?—Just so.

991. It being for the interest of persons who are not the right owners that their names should not appear, do you not think they would take care that their names did not appear; besides, this list would in the first instance be subject to the revision of the assistant overseers, or to the check of the clerk to the guardians, and finally it would come into the revising barrister's court; would not that be a more efficient system than that which is adopted now?—Much more so with regard to occupiers, but not with respect to freeholders.

992. But is not one reason why the owner's column is so inaccurate in the present state of things, the fact that the column is made out with respect to rates, and that the owners do not pay the rates?—Yes; but little notice is taken of that, and it is omitted from time to time.

993. But if the owners had to pay the rates, persons who were not owners would take care that their names did not appear in the owner's column, would they not?—Yes, if they had to pay a portion of the rates.

994. If that alteration was made by Parliament, that would materially influence your opinion with respect to the desirability of having those lists made out by the assistant overseers, would it not?—Yes, materially so.

995. Mr. *Johnstone.*] I will repeat Question 439, which was put to Mr. Baxter: "Is it not the case that the justices, in appointing the polling-places, can also appoint at which of those polling-places the barrister shall sit"?—I am under the impression that the Act of Parliament says that the revising barrister shall hold a court at each polling-place. The 34th section of the 30 & 31 Vict. c. 102, clearly says, that "The justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling-place assigned to each district, and shall name the polling-places at which the revising barristers are to hold their courts, and no revising barrister shall be obliged to hold his courts at any polling-places not so named."

996. Then Mr. Baxter's reply, "I think not," was incorrect, was it?—According to this section, clearly so.

997. Mr. *Read.*] With regard to the question put to you by the Right Honourable Chairman, with respect to the owner's column in the rate-book being made more perfect, if he paid the rate; if it should be as it is in Ireland, that the tenant pays all the rates, and then deducts half of them from the landlord's rent, do you think

Mr. *Pilcher.*

13 May 1870.

that there would be any great inducement to have the owner's column more perfect than it is at present?—I am afraid not.

998. Would it not be an immense burden on the overseers if they had to put down the whole of the qualifications of the owners of property every time they made out a new rate; for instance, we will say there are four men who have one house, that property now appears in the rate-book as John Jones only; would it not be great extra labour for the overseers to put all those four names in?—It should be correctly Messieurs Jones, at present, if four persons hold it jointly.

999. But you would not want to put the whole of those names in now, would you?—They should be on the register under the present system, if four persons participate in the profits of a house I do not see that that would involve any additional trouble.

1000. But surely if a man is put into the owners' column, and a description of the property is put there, whether leasehold, copyhold, or freehold, that is a great additional trouble?—I do not understand that that would have to be done.

1001. Would not he have to do that if this owners' column was to be of any use in the registration?—Yes.

1002. That would be extra trouble, would it not?—Yes; that would be an extra column in the rate-book.

1003. *Chairman.*] Is there any other matter which you wish to bring under the notice of the Committee?—No, I think not.

Friday, 20th May 1870.

MEMBERS PRESENT:

Mr. Wentworth Beaumont.
Mr. Henry Robert Brand.
Sir Edward Colebrooke.
Mr. Dodds.
Mr. Andrew Johnston.
Sir Harcourt Johnstone.
Mr. Knatchbull-Hugessen.
Mr. Pell.
Mr. Clare Read.
Mr. Richards.
Mr. Wynn.

EDWARD H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. JOHN FRANCIS BONTEMS, called in; and Examined.

Mr. *Bontems.*
20 May 1870.

1004. Mr. *Brand.*] YOU have been for some years concerned in the work of registration, have you not?—Yes, for more than 20 years.

1005. In what counties have you been so concerned?—In Hertfordshire.

1006. Have you formed any acquaintance with the register of Middlesex?—Yes, some 12 or 15 years ago.

1007. Will you be kind enough to state to the Committee the number of Acts of Parliament relating to the matter of registration that are now in force?—I cannot say from memory.

1008. But there are a considerable number, are there not?—Yes.

1009. And I believe that they are very conflicting in their nature?—Yes.

1010. And you have found in your experience that revising barristers have some difficulty in construing the law, I suppose?—Quite so.

1011. I suppose the Committee may conclude that you are of the opinion of the last two witnesses who have been examined before the Committee, that those laws require consolidation and simplification?—I think they do.

1012. May I state the two principal evils of registration to be these: first, the great facilities with which unqualified persons may and do become registered, and the absence of provisions by which persons who are really qualified may be accurately registered without any trouble to themselves?—Yes; I may add, perhaps, the necessity for party action, in order to keep the register at all correct.

1013. This applies exclusively, does it not, to the owners of property, the occupiers being now put on the register by the overseers?—Almost exclusively.

1014. Are the overseers obliged now to put on the register all claims which are sent in to them?—Yes.

1015. Practically, I suppose, there is no means of defeating fictitious votes except by objections being raised before the revising barrister?—None whatever.

1016. Is there any plan by which you could ensure both the purity and the correctness of the register without increasing the difficulties in the way of registering new claims?—Yes, I think by the plan suggested, of employing an officer whose duty it should be to correct the register before it goes to the revising barrister.

1017. I am speaking now of the first evil, namely, the great facility with which unqualified persons may and do become registered; is there any remedy for that, in your opinion?—I think not, without some officer being appointed to inquire into the validity of all claims as they are sent in.

1018. The two former witnesses examined before this Committee have both declared themselves in favour of making a claimant prove his qualification; are you in favour of that suggestion?—I think it would not be amiss in the first instance, if he were required to do so.

1019. Do you think that that would be a hardship to the claimant?—I think not.

1020. Would not that, in your opinion, act as a barrier to many persons making claims?—I think it might be done, perhaps, without the claimant's personal attendance, by a declaration before a magistrate at the place where he lives.

1021. But, I believe that those declarations are sometimes not accurate; is not that so?—I think that declarations which are made before magistrates are generally accurate; at least I have found it to be so in declarations that are now made with regard to change of residence. I have never heard any of them spoken of as inaccurate.

1022. But, for instance, many owners are not aware of the tenure by which they hold their property; is not that the case?—I should think there are not many people like that.

1023. But some people are, I suppose?—Yes, some few, perhaps; not many.

1024. And would they not very likely sign a declaration declaring that they held property of a certain value, whereas it was not so?—No, they would know the value; they would also know whether it was freehold, copyhold, or leasehold, which, I should say, would be sufficient for the declaration.

1025. If claimants were to be called upon for strict proof of qualification, do you not think that much greater facilities should be given to them for claiming?—I think that a longer time for them to send in their claims would be convenient for them.

Mr. *Bontems.*

20 May 1870.

1026. Would you let them send in their claims throughout the whole of the year?—Yes, if there were a permanent officer to receive them.

1027. If you allowed them to send in their claims throughout the whole of the year, would you limit the objections in any way; that is to say, with regard to the time of their being sent in?—I think I would, because it would be more costly and less convenient to be always going over the lists to make objections; that would be more conveniently done at one season of the year.

1028. Have you got before you Mr. Roberts' evidence of the other day?—Yes.

1029. Will you be kind enough to turn to Question 500; the question put to Mr. Roberts was, "Then, would you extend that permission to objectors, or would you limit the time during which objections should be sent in?" And he replies, "Yes, I would limit the time during which objections should be sent in; but in the case of persons who had sent in their claims subsequently to a given day, the objectors should be put in the same position with regard to opposing them in court as they would have occupied if the claims of those persons had been on the published lists:" do you agree with that expression of opinion?—Yes; it would be desirable that objectors should have a little more time than is now allowed; but I think the reason why, in some cases, more time is required, is the fact that the registration is managed for a whole county from one central point, and then the agents require more time in order to cover the whole of the county with their inquiries; but if the registration was conducted by local agents in small districts, I think the present time for making inquiries is sufficient.

1030. But if claimants sent in their claims up to the time when the revising barrister's courts are held, you must allow objectors to make their objections to the claimants as they would have done if the claimants had sent in the claims before a certain day, must you not?—At present, if a 12 *l.* voter finds his name omitted and sends in his claim before the 25th of August, the objector is entitled to raise an objection in the revising barrister's court, without having given any notice; that would meet the case, I think.

1031. I gather from you, with regard to those two evils which I mentioned, namely, the great facility with which unqualified persons may and do become registered, and the absence of provisions by which persons who are actually qualified may be registered without any trouble to themselves, that you meet those evils by requiring a strict proof of the qualification from the claimant, on the one hand, and that on the other hand you would extend the time during which persons may make claims?—Yes.

1032. Are you satisfied with the present overseers as the officers of registration?—I am satisfied with the present paid overseers, but dissatisfied with the unpaid ones; but the number of cases in which the overseers are unpaid, in Hertfordshire, is few.

1033. I am speaking generally of the country; who do you think would be the best officer to carry on the work of registration, the freest from political bias and the most experienced?—You could not improve on the overseers of parishes for the rough details, if you had a superior officer over them, for a given district, to collect those details, to give them instructions, and to see that their work was well done.

1034. Whom would you appoint as the central authority?—I think I would appoint the clerks to the guardians; they are always intelligent men and generally legal men.

1035. Mr. Baxter, in his evidence at Question 32, stated "The Report of Mr. Harcourt last Session about boroughs went into that question, but it was not a very practical report, because it stopped at making the clerk to the guardians the head registration agent, and letting him employ people under him; but the clerk to the guardians, I believe, never can be the man to do it. The real unit of the whole affair is the assistant overseer; he is the foundation on which you must build everything; the clerk to the guardians is a professional gentleman with a great deal to do, who sits in his office in a county town, or in the middle of a town, and practically knows nothing of the property around;" is that your experience?—No, that is not my experience. My experience is that the clerks to the guardians are the most intelligent and best informed men with regard to property in their districts, so far as I know them.

1036. If the rate was to be partly levied on the owner and partly on the occupier, do you think that the rate book might be made *prima facie* evidence of the qualification of voters?—Yes, I think so; I was going to suggest to the Committee, that I think in the case of occupation the rate book should be conclusive evidence of the rateable value of the property; that would save a great deal of conflicting evidence being given by valuers of property, which is often very unsatisfactory in its nature.

1037. It sometimes occurs, does it not, that you may find a man holding property in different unions?—Yes.

1038. Of course he would appear in the rate book in those different unions?—Yes.

1039. Would not that complicate the register very much?—I should like to see all the duplicate entries expunged, and each voter on the register only once; in that case he should choose the parish in which he would prefer his name to stand.

1040. How would you expunge those duplicates?—I would give the revising barrister authority to do so on their being pointed out to him, because the clerk to the union, the officer of registration, would not have cognizance of the register of another union, but all the lists would come before the revising barrister.

1041. Would not that give the revising barristers an immense deal of trouble, and take up much time?—He has that trouble now, and a great deal more, of which you propose to relieve him; my opinion is that he would not find that much trouble.

1042. If an alphabetical list was made out by the clerk of the peace for the county, that would meet the case, would it not?—It would assist all parties very much, I think.

1043. Would it be a great expense to the country?—I had an alphabetical register made once, and it cost me 50 *l.* for the time of the persons employed in making it out.

1044. Do you think that a self-acting register can possibly be carried out with regard to owners of property in counties?—I think that a self-acting register, to be absolutely perfect, is not possible, but I think that it might be made very nearly

nearly so; in fact, if the ballot is introduced as the mode of voting, I think you must have a self-acting system of registration, because the parties will not know whom to put on or whom to object to, and therefore the registration must be made more self-acting than it is now.

1045. You would have every owner of property put on the register through the agency of the clerk to the guardians, I suppose, or should he make a claim?—I should always require owners of property to send in claims, or certainly I would leave them the right to do so, to the registration officer if their names were omitted from the list.

1046. You think that a self-acting register cannot be carried out with regard to owners of property, because the franchise depends on various titles, the value of which the owner alone can give information about?—Quite so.

1047. Supposing a competent superintending officer in every union was appointed, do you think that all objections might be heard, and, if possible, settled before him, subject to an appeal to the revising barrister?—Yes, I think so.

1048. That is to say with regard to objections of every nature?—I think so.

1049. In the case of a voter objecting to a claimant, would you limit that objection to the ground of personal disqualification or insufficient interest in property?—I think it is useful that persons should have the power to object for inaccuracies on the register, because you obtain a more correct register by that means; but I would give the revising barristers full power to correct all mistakes, so that if the claimant on the register was really entitled to vote, the revising barrister should allow him the vote, and correct all the mistakes that might appear.

1050. Do you think it is desirable that the objector should state the ground of objection more specifically than he does now?—I think so. At present he only states the ground of objection if it applies to the third column, which is the nature of the qualification.

1051. Mr. *Wynn.*] Does he not state that if it applies to the second column?—He states that it applies to the second column, but he does not state specifically the ground of objection.

1052. Mr. *Brand.*] After a claimant had proved his qualification, would you throw the *onus probandi* on the objector or on the claimant?—On the claimant; it would be almost impossible for the objector to prove the validity of his ground of objection; he would find no one willing to assist him in giving evidence.

1053. But suppose it was enacted that every voter registered in respect of property owned by him should notify to the clerk of the peace that he had sold the property or parted with the beneficial interest in it, might the *onus probandi* be thrown on the objector?—No, I think not; because, at present, it is contrary to the law for a person to vote who had sold his property previous to the 31st of the preceding July, and yet it is done continually, though it is known to be against the law.

1054. *Chairman.*] There is no penalty attached, is there?—There is no penalty attached, but it is clearly a misdemeanor.

1055. Mr. *Brand.*] Do you think that the revising barristers have sufficient power at present?—I think they have more power than they exercise very often, but I think they have not sufficient power, because I would give them the power to correct any mistake, if the qualification were good; I have brought this book with me to show the Committee a very hard case that occurred last year (*producing a book*). A person put in the 3rd column, "out of business" as his qualification; he put in the 4th column the whole of his freehold qualification, which ought to have been in the 3rd column, and yet that man's name was struck out.

1056. *Chairman.*] Was there no power to correct that error?—I think there was, but the revising barrister thought there was not; I would give the revising barristers power to correct that sort of thing, certainly; I should have treated this as a total omission.

1057. When there is a total omission in the 3rd column, I believe the revising barrister may supply it, on evidence being given that the claim is valid?—Yes.

1058. Mr. *Brand.*] Would you allow the revising barrister to insert the name of any claimant who might claim at the court of revision at the time it was held, unless special reason was shown to the contrary?—Yes; I would let the claimant have the right of claiming at the court, the other side having the right of objecting also.

1059. Do you find that revising barristers construe the law uniformly?—Not at all.

1060. Do you think that it would be desirable to make it compulsory on revising barristers to grant an appeal?—Yes; if the parties are willing to incur the expense, and feel it of sufficient importance, they should have the right of appeal.

1061. Now with regard to costs given by revising barristers, they are not in the habit often of giving costs, are they?—No; and when they do they are generally very small.

1062. Now with regard to an appeal from the decision of the registrar, do you think that the costs should all follow the event if the registrar's decision is upheld by the revising barrister, unless special reasons are given by the revising barrister for not granting costs?—I think the party failing in that case should pay the costs, certainly.

1063. Would you allow the costs in the case of an objection to a voter on the register in force failing?—Not till he had proved his qualification the first time, but if after he had proved his qualification the first time his claim was objected to, and the objection failed, I would allow costs.

1064. Do you think it desirable that voters residing out of the county should vote in the place of their residence?—I think with open voting it is not desirable that the voter should be compelled to vote at the place of his residence, but I think with the ballot it would be desirable to compel the voter to do so; there would be no reason why he should not.

1065. But supposing the ballot was made law, such an arrangement would be absolutely necessary to discourage personation, would it not?—Yes, I think it would be desirable to have such an arrangement in order to discourage personation.

1066. How could you possibly avoid the personation of out-voters?—If the districts were made small, as they evidently are being made, even out-voters will be very much known by the district at which they poll, and in which their property is. Most of the owners of property, though living at a distance, come to be known in the immediate vicinity of their property, and if the polling places were more numerous I think they would be mostly known.

Mr. *Bontems.*

20 May 1870.

1067. But do out-voters generally poll in the place in which their property is situated?—No; a great many poll at the nearest polling district to where they reside, no doubt.

1068. Those men would, perhaps, not be known?—No, not so well known, perhaps; but they would become known in the course of time.

1069. Do you think if the ballot was made law they might be personated wholesale?—I think there would be opportunity for personation, certainly; but it would not be greater with the ballot than with open voting. There is an opportunity for personation through the out-voters electing to poll at the districts nearest to where they reside, rather than in the places where their property is; but it would not be greater with the ballot than it is now.

1070. Do you think that many persons are disfranchised through not attending the courts of revision?—Yes, a great many.

1071. Does that occur because the court of revision is at a distance from the residence of the claimants?—Generally for that reason.

1072. Is it desirable, in your opinion, that the revising barrister should hold his court at each polling place?—Yes, I think he should.

1073. Mr. Baxter says that if the revision court were held at each polling place, he is afraid sufficient accommodation would not be found for the revising barristers?—The polling places, so far as my experience goes, are always places in which there are suitable rooms for holding revision courts.

1074. Are you of opinion that there is a great waste in the printing which now attends the county registration?—Yes, I think so.

1075. Will you be kind enough to explain to the Committee how that great waste takes place?—I can explain how a great saving might be effected; I have brought an example to show the Committee. That (*producing a Paper*) is a copy of the register for the parish of Rickmansworth; that is supplied by the clerk of the peace to the overseers.

1076. Mr. *Wynn.*] He is bound to supply as many as are wanted, is he not?—The overseer is bound to print as many copies as are wanted.

1077. But by the last Act of 1865, is the overseer not bound to supply as many copies as are wanted?—The clerks of the peace do not understand that.

1078. It was to save that expense which you refer to that the clause was passed, was it not?—But the practice is that the clerk of the peace sends one or two copies taken from the register to the overseer, and then the overseer prints as many copies as he requires for the use of the parish; the printing of those lists would be entirely saved if the clerk of the peace were to furnish a sufficient number of copies. I may add that the difference in printing would be that these two large lists (*producing two Lists*), would be saved, and all that the overseers would be obliged to print, would be the two small lists of new claimants and of the new 12 *l.* occupiers.

1079. Mr. *Brand.*] Has not the overseer to print over again every year a new list of the 12 *l.* voters?—Yes, that is so.

1080. Mr. *Wynn.*] The 3rd section of the 28th & 29th Vict. c. 36, is to the following effect: "The clerk of the peace of every county shall, together with the precept, transmit to the overseers of every parish or township within such county a sufficient number of copies of the part or parts of the register relating to such parish or township: and the overseers of the poor of every parish and township shall, on or before the 20th day of June in every year, and at the same time with the publication of the notice mentioned in the 4th section of the principal Act, publish a copy of the register then in force"; are you acquainted with that clause of the last Registration Act?—I do not understand that clause to mean what the honourable Member takes it to mean; I understand it to mean that the overseer is to print the lists.

1081. No; the clerk of the peace shall transmit a certain number of lists: the object was to do away with all that printing, was it not; in fact, having read that clause, does not that obviate the objection that you entertain to the present system?—No, I think not; because the statute goes on to say, "on or before the 20th day of June in every year, and at the same with the publication of the notice mentioned in the 4th section of the principal Act, publish a copy of the register then in force relating to their parish or township."

1082. Which copy had been supplied by the clerk of the peace?—Yes, but they do not understand that; at least, that is my experience.

1083. In Hertfordshire, they have not used those copies for that purpose, then, I presume?—No; they have taken it to mean that they were to do as they have done hitherto; and I believe, in fact, that the clerk of the peace has merely sent the overseers one or two copies as he did before.

1084. *Chairman.*] Then, if the interpretation of the law by the honourable Member on my left is correct, would that clause meet your objection?—Yes, it would.

1085. Mr. *Brand.*] The overseers are obliged now annually to print a new list of 12 *l.* occupiers?—Yes.

1086. That causes great additional expense and trouble to the overseer, does it not?—Yes, and that would not be obviated even if the Act of Parliament were carried out in the way suggested just now.

1087. How would you remedy that evil?—I would do that by merely requiring him to print the names of new occupiers that had been qualified since the old list had been made.

1088. There are two classes of occupiers now on the list, the 50 *l.* occupiers and the 12 *l.* occupiers?—Yes.

1089. And is it not the fact that considerable confusion is caused by having the 50 *l.* occupier put on the list of owners, and also on the list of 12 *l.* occupiers?—Yes.

1090. How would you remedy that?—By placing all the occupiers in one list and the owners in another list, giving the few persons who might not be placed on the occupiers' list, because they did not happen to be rated, the right of claiming.

1091. Mr. *Johnston.*] You would not keep the two lists distinct in the final printing of the register, would you?—Yes, I think I would.

1092. Would not that be found excessively inconvenient at the time of a contested election?—I cannot say that we experience much inconvenience from it.

1093. Have you seen the evidence which was given at the last sitting of the Committee?—No, I have not.

1094. Then, I will direct your attention, if you please,

lease, to one or two points: supposing that we had a registration officer who was permanent and paid in every union, do you see any necessity for any cases coming before the revising barrister except such as were appeals from the registrar's decision?—No, I think there would be none except appeal cases.

1095. And the labours of the revising barrister would be very much reduced, would they not?—They would.

1096. And those labours would become more and more so as the system got into play?—I think so.

1097. And the number, and consequently the expense, of the revising barristers might probably be reduced?—I think not. We have but one revising barrister for the county, and if there were 20 districts to attend, the number of cases to be taken would not much affect the time that the revising barrister would have to devote to the whole county.

1098. If he had half an hour's work at each of the polling-places, instead of a day or a day and half's work, he could get over three or four places in a day, could he not?—I question if the revising barristers would do more than two districts in a day under any circumstances, because they do their work deliberately.

1099. Do you think that the system of street lists, which was recommended by the Committee on Borough Registration, could also be adopted for counties in parishes which contained towns or large villages, and that the registrar of voters should decide, subject to an appeal, which parishes should be arranged in street lists and which in alphabetical lists?—So far as my experience goes, none of our parishes are large enough to require such an arrangement, or to make it desirable.

1100. If you had a parish containing 2,000 county electors, would you then think it worth while?—It might be; but I should think that if the multiplication of lists would be objected to, as between owners of property and occupiers, that would be greatly increased by an alphabetical list of streets.

1101. But Mr. Harcourt's Committee recommend the register being published in streets, instead of alphabetically, do they not?—Would it not be alphabetically in the street lists still?

1102. The streets would come alphabetically, but the voters in those streets would come in in the order of their numbers, I take it?—I have not thought of that.

1103. Assuming that you agreed with the recommendation of Mr. Harcourt's Committee with respect to the boroughs, is there any reason why that should not be equally carried out in populous towns in counties?—No, if it were found useful in boroughs, it would be useful also in large towns in counties, no doubt; but I do not at present see the advantage of it.

1104. You have probably not read that part of the Report of Mr. Harcourt's Committee?—I have not.

1105. Would you recommend that it should be part of the duty of postmasters in rural districts to inform the registrar of voters for their district, assuming the new plan to be carried out, of changes of residence by voters in the parishes within their delivery, and that, for that purpose, copies of the register of such parishes as soon as printed, should be furnished to them by the registrar of voters?—Yes, I see no objection to that means being used, among other means, for obtaining information; but I should rather leave it to the agent to obtain his information in the best way he could, than by appointing extra officials, and assigning such a duty to them; they would require to be paid for it, and it is increasing the expense, which I think would be objected to.

1106. Would it not be desirable to make the days for the various stages of revision identical in counties and boroughs?—I cannot speak to that; I am not much acquainted with borough registration; I cannot exactly see the connection between the two.

1107. It has been suggested by a previous witness before this Committee, that facilities ought to be afforded for owners of property to come on the registers, who had succeeded to their property subsequently to the 20th of July; but do you not think that that would introduce a confusing element, by causing a second list of claimants to be published, and also that it would be practically enacting an extension of the franchise?—I think that the owners of property who come to their property by will, and by such means, have already sufficient facilities for coming on the register; they can claim up to the last moment for receiving claims, and I think that is sufficient.

1108. You do not think that those gentlemen who come into property after the 20th of July, should be allowed to come on the register in that year?—I think not.

1109. Mr. *Richards.*] Did I understand your answer to the honourable Member for Hertfordshire to be, that the rate book should be conclusive evidence of value in case of ownership?—No, I said in the case of the rating franchise.

1110. For occupation?—For occupation; the 12 *l.* franchise is a franchise for a rateable value of 12 *l.*, which may be disputed; I suggest that the rate book should be the test, that is to say, if a person is rated at 12 *l.* in the rate book, that should be proof of the validity of the claim.

1111. Would you allow a voter, as owner, to choose the parish in which he is to vote; assuming that he has land in several parishes, would you give the option to the voter of choosing where he would vote, or would you make it compulsory on him to vote in the parish nearest his residence?—With the ballot I should require him to vote in the parish in which he resided; but at present I should leave him the option of selecting his place of voting.

1112. You would in all cases, I understand, require that owners of property should send in claims to be put on the register?—I should have no objection to the owners of property being placed on the register by the overseer or the local authority, provided the qualification were proved by the person in question; that is to say, I would not let the overseer put any owners of property, or any supposed owners of property, on the register that he might please, without having the qualifications proved.

1113. Would you have those qualifications proved at any given period of the year?—I would have the qualifications proved before the person appointed to conduct the registration, or before the revising barrister, as now.

1114. Do you not think it would lead to great complication at the period of revision, and that a great number would not send any written claim to be put on the register, but would defer the period until the day of revision, and that that would

Mr. *Bontems.*

20 May 1870.

would cause an immense amount of work?—I would not admit a claim after a certain day.

1115. *Chairman.*] But did I not understand you, in a previous answer, to say that you would allow claims to be sent in during the whole of the year?—I was thinking more of the existing circumstances, in answering the last question, than in the possible case that was put to me by the honourable Member for Hertfordshire.

1116. Would you, or would you not, allow claims to be made on the day of revision without previous notice?—If the system is to be altered, I would allow an owner of property to claim on the day of revision.

1117. Mr. *Richards.*] Do you mean that you would allow that, although the owner had not previously sent in a claim to be put on the register?—Quite so, if he had been qualified long enough; not if he had been qualified since the period fixed for the qualification, which is now the 31st of January, with certain exceptions.

1118. Would not that system lead to men claiming on the day of revision not sending in any written claim at all?—I suppose it would; no doubt there would be that inconvenience connected with it.

1119. Do you not conceive from your experience that very great evils would result from that?—There would not be time, certainly, for making much investigation with regard to the validity of the qualification, and it ought, in such a case, to be very severely tested by the revising barrister.

1120. Now with regard to the registrar, to whom you have referred; would you give powers for parties to appear before him on given days, or how would you enable him to deal with objections?—Yes, I would have fixed days, so that the parties should have proper notice.

1121. If I rightly understand your suggestion, you would have, first, a court in which the registrar should decide, and then there should be an appeal from the registrar to the revising barrister, so that you would have a double court?—Yes, that would be necessary, if the scheme suggested were carried out.

1122. Would not that lead to an aggravation of the present necessity of attendance?—The unions would be more numerous than the revising barristers' districts, and people would not have so far to go if that were the case.

1123. Would you allow solicitors to appear before the registrar?—Yes, I would allow them to do so, if claimants chose to employ them; they are not employed in many cases now before the revising barristers.

1124. I understood you to be willing to give power for objections to be made before the registrar as well as for claims to be made before him?—Yes; and I would allow a solicitor to attend if the parties chose to employ him; but, as a rule, claimants appear themselves with simply an agent on either side.

1125. Where a voter had for some years been on the register, and an objection had been served upon him, and he had proved his qualification, would you allow costs on any scale, or would you allow the amount of costs to be proved according to the value of the time of the voter?—I think the costs should be limited; I think that some persons would make out an unreasonable claim for the value of their time if the amount of costs was not limited; I think the present limit of 5 *l.* for costs is a very good one; practically, I find that very seldom costs are imposed to the extent of 1 *l.*

1126. But is not the present system very much complained of?—I think so.

1127. And justly so?—Yes; I think the costs allowed at present are not heavy enough, but I think that 5 *l.* would be heavy enough.

1128. Take an ordinary artizan earning 10*s* a day, where he has been obliged to attend two days to prove his qualification; do you think it should be incumbent on the revising barrister to order costs to the extent of 1 *l.* to that man?—I think so.

1129. Are you at all acquainted with the present working of assessment committees in counties?—Not at all, except from hearsay.

1130. Do you think that it would be an advantage that a public valuer should be appointed in each union, who should assist the registrar or clerk of the union, or whatever the officer might be called, in fixing the value of property?—I think that is not necessary.

1131. Sir *Harcourt Johnstone.*] Did I understand you to say that you have no knowledge whatever of assessment committees?—Not personally.

1132. Have you any knowledge of the general duties of clerks to guardians?—Yes.

1133. Do you consider that they have any local knowledge whatever?—I think they have considerable local knowledge.

1134. You consider, I suppose, that with the rate book before them they would be able to check the qualifications on the register?—Yes with the assistance of the overseers.

1135. Do you think that by that means they would save a great deal of time to the revising barristers?—I think so.

1136. Mr. *Dodds.*] The clerks to the guardians at present are constantly in contact with the overseers of every township, are they not?—Yes.

1137. Do you not find that, generally speaking, in large townships and parishes, assistant overseers are now appointed who discharge the active duties of the office?—They are.

1138. I gather from your evidence that you think by the means of that machinery a self-acting system of registration may be established?—I think so.

1139. You do not agree, perhaps, with the previous witness, who said that the overseers and assistant-overseers are a kind of "Utopian staff of people"?—No, I think the assistant-overseers, the paid officers, are very practical people.

1140. So far as you know the assessment committees in various unions, are they also practical men; do you know anything about them?—I know the persons of whom some committees are composed, and I know them to be very suitable for the work which they are set to do.

1141. You would not describe them as the "Deities of Olympus sitting alone, and looking down upon the people below"?—Certainly not.

1142. You are aware, I suppose, that they have been so described to this Committee?—I was not aware of that.

1143. With regard to voters polling at the places where their property is situated: in many cases do you not think that owners of property should be permitted to choose the place at which they should poll as out-voters may do at present?—I think under the system of open voting they should

ould be, but I do not see the necessity for it ith the ballot.

1144. How do you anticipate that the adoption f secret voting will affect that question?—Be- ause it is felt by some persons that if they vote s occupiers of a certain person's property, they re bound to vote as the owner wishes; but if ey can go to another district and vote for their wn freehold, they think they are independent, nd can vote as they please.

1145. You would permit them to vote else- here than where they resided?—Yes, under the resent system, if they were owners in another istrict.

1146. You do not apprehend that personation ould be increased to any great extent by the doption of secret voting?—I think not.

1147. You anticipate that when a man tendered imself for the purpose of getting his voting icket, there would be certain checks with regard to?—Quite so; I see no material difference be- tween them.

1148. You think that efforts would be made on the part of candidates to prevent personation as they are made at present?—I should say so.

1149. With regard to the notices of objection, I think you have stated that you consider every objector should state clearly the grounds of objection?—I think so.

1150. Whether that objection be to new claimants or to a person on the old list?—Yes, I think so.

1151. And consequently it would be desirable to extend the provisions of the 6th section of the 28 & 29 Vict. c. 36, would it not?—Yes, in that particular.

1152. With regard to the question of costs, do you think it would be reasonable that the revising barristers should have power, without fixing a limit, to award costs, such costs not exceeding the actual expenses incurred, and compensation for loss of time, as would be sufficient to pay the person objected to?—No, I think there should be a limit.

1153. What limit would you say, 5 *l.*?—I think 5 *l.* is a very good limit.

1154. You very rarely hear of costs amounting to so much being given, I suppose?—It is not absolutely indispensable that the claimant should attend himself; he can furnish to the agent, if he pleases, ample proof of the validity of his vote: and if you allowed unlimited costs a man would go out of mere spite a long distance and charge an enormous sum for it; he would always go himself if he was sure of receiving a large sum for costs, just in order to punish the objector who might really have only thought that he was doing his duty.

1155. Have you done me the honour to read the Bill which I have introduced into Parliament on this subject during the present Session?—I did read the Bill.

1156. You may, perhaps, remember that in the 5th clause of that Bill there is a provision that the barrister shall consider whether the person's attendance to support the vote, was or was not necessary?—I do not remember reading that.

1157. But would not that meet the case which you put. The 5th clause of my Bill contains the following proviso: "The revising barrister shall award costs to the person objected to, such costs not to exceed the actual expenses incurred and compensation for loss of time; but in awarding such costs the revising barrister shall consider whether personal attendance to support the vote was or was not necessary"?—I have seen so many injudicious decisions given by the revising barristers, that I should be almost afraid to trust them with that power.

1158. But if you could trust the revising barristers, do you think there would be any objection to that form of leaving the question of costs?—No, not if I could trust the revising barristers; but with my experience I could not do so.

1159. But supposing you could, you think that that clause would be an improvement on the existing law?—Yes; a perfect revising barrister might be left with unlimited power.

1160. You know how the revising barristers are appointed at present, I suppose?—Yes.

1161. That is to say, by the senior judge on circuit?—Yes.

1162. Perhaps, if those gentlemen were appointed by the Home Secretary, or by the Chief Justice of the Court of Common Pleas, a better class of men might be obtained; is that your opinion?—I think it would be better that the appointment should be with the Home Office, or some other such authority.

1163. That is to say, some person not fluctuating, as it is at present?—Quite so.

1164. Will you kindly refer to the 6th Section of that Bill of mine. I think you have already stated that you would extend the power of the revising barristers with regard to making alterations and amendments?—Yes. You say in your Bill, "Provided that no new qualification be inserted." I think even in that case alterations should sometimes be made.

1165. You think that the clause does not go far enough?—Yes; I think that with regard to a man who is on as occupier, and who purchases his property, the revising barrister should have power to amend that qualification.

1166. You would omit the proviso at the end of the clause, but you think the clause an improvement?—I think so.

1167. Referring to the next clause of my Bill, would it be an improvement if clerks of the peace and overseers were required to supply copies of the lists by post, on being paid a reasonable fee and expenses?—I scarcely would give greater facilities for obtaining copies of the lists than at present. We have never found any difficulty in getting them.

1168. But have you not occasionally to send a special agent to each township, or have you generally a special agent in each township who gets copies of the list for you?—At present I have local agents in each district who obtain copies of the lists and send them to me; but when I send for them myself I never find any difficulty in getting them for the overseers.

1169. But perhaps you do not see any objection to that clause, at all events?—The overseer would scarcely know how many copies of the list to provide for such a wholesale supply as this section contemplates. Practically, we do not find that many copies are wanted. I suppose the copies required by the agents of the two parties, and for the churches and chapels of the district, are all that are required now.

1170. Where a whole township belongs to any particular proprietor, who happens to be attached to one political party, you have not found any difficulty in obtaining copies of the list?—None. Common courtesy has generally dictated to the overseers

Mr. *Bontems.*

20 May 1870.

overseers that they should send the lists to those who apply for them.

1171. At present the lists of voters are delivered by the overseers to the revising barristers without any other formality, except the mere delivery, is not that so?—They are sent to the clerk of the peace by the overseer, and he delivers them to the revising barrister.

1172. But the overseers attend also, do they not?—The overseers attend the court with the rate books.

1173. The overseers are now required to verify by oath the accuracy of the jury list, are they not?—Yes, I have heard so.

1174. And the rates also?—Yes, I am aware that they verify the rates on oath.

1175. Would it tend to insure greater accuracy in the lists, do you think, if the overseers were required to verify the lists of voters in the same manner before the revising barrister?—I think it might make them more careful in the preparation of the lists if that system were adopted.

1176. You have found, perhaps not seldom, that overseers neglect to publish the lists in the way required by law?—Very often.

1177. And by neglecting to do so they disfranchise whole parishes?—No; the revising barristers are very lenient; they take the last year's copy in that case and add the new claims.

1178. But if overseers were required to prove that they had duly published those lists as the law required, it would check that, would it not?—Yes.

1179. It is desirable that they should publish those lists, so that parties who take an interest in those lists should have an opportunity of seeing them, is it not?—Unquestionably.

1180. A previous witness stated that he would allow a person who was registered as an owner of property, and who had qualifications of that kind in two townships, to remain twice on the list; what do you say to that?—I see no occasion for that.

1181. Then you would deal with an owner of property as you deal with any other person?—Yes; he has always time to claim for another qualification if he parts with one, and that is sufficient.

1182. You are aware of the practice that prevails to a considerable extent with revising barristers, of not allowing costs in case of objections to new claims, I suppose?—Yes.

1183. Do you approve of that system?—Yes, I approve of it on the ground that I think every claimant should prove his qualification in the first instance, and if required to do so; some are so palpable that proof is not required.

1184. But do you not think that every man who has a qualification should be placed on the register, and should have the greatest possible facilities for making his claim, without going to the expense of having to prove his qualification?—No, I think it is so important to have a correct register, that an owner of property should prove his qualification when he is first placed on the register, and that if it is disputed, the objector should do it without being subjected to costs.

1185. Would it meet your views if every person who is placed on the register for the first time, made a short statutory declaration, that is to say, if there were incorporated with the claim a declaration that he is *bonâ fide* entitled to the qualification in respect of which he claims?—I think I stated in the commencement of my evidence that I thought that would be sufficient.

1186. A statutory declaration made before a magistrate?—A statutory declaration made before a magistrate.

1187. Or before any person authorised to take extra judicial oaths?—Yes, just as it is now with regard to change of residence.

1188. Where a new claimant or a person placed on the register for the first time has made such a declaration, perhaps you would think if right he should be entitled to costs if he were objected to, and the objection was groundless?—I think so in that case.

1189. Would you have the clerks to the guardians keep the list of claimants open all the year round, so that a person who is entitled to claim might claim at any time?—Yes, I think so. I think there would be no objection if such a person as the clerk to the guardians were the registering officer, that his book should be kept open for claims.

1190. Perhaps you would see no objection to conferring on the clerk to the assessment committee or the registrar, whoever he may be, the power to take those statutory declarations?—I do not see much advantage in allowing him that power, because he could only take them from those who lived in the locality, and who could more easily attend. The great object of that statutory declaration would be to save the trouble to the out-voters, and persons from a great distance, of attending the court.

1191. You think it is scarcely necessary that such a power should be conferred?—I think it is scarcely necessary.

1192. But possibly you think it would be unobjectionable?—I would rather it were done before the magistrate; it has more force, and people feel the importance of truthfulness in a statement which is made before a magistrate, more than in a statement made before any one else.

1193. Mr. *Clare Read.*] Do you, as a rule, in Hertfordshire, object to all the new claims?—No, I think that is a very bad rule. That I think is a rule that is produced by having the county worked from one centre without any local agency. Our new lists are scanned very closely by the local agent before any objection is made; and I may say, that out of every six objections taken we succeed in at least four, on account of the care that is taken previous to the objections being made.

1194. Do you ever meet with your political antagonists and compare your objections, and agree as to which shall be taken into court?—We often save very many hours trouble by comparing the information received from the persons objected to, and satisfying each other that an objection is useless, and getting it withdrawn.

1195. If the person objected to were to send his deeds to your adversary, and he were to produce them to you, would you take his case into court?—No, certainly not.

1196. The new Reform Act said that any man whose name was on the rate-book at or above 12 *l.*, should be placed by the overseer on the list of voters; is not that so?—Yes.

1197. If his name is on the rate-book for 12 *l.* and upwards, how can you upset his claim?—Because the qualification is, that he should occupy premises of the rateable value of 12 *l.*, and I should consider that although he might appear on the rate-book as rated at 12 *l.*, it might be open to dispute

ispute whether a mistake had been made in ting him at 12 *l.*; that is to say, whether the remises were of that value as compared with ther property in the same parish.

1198. Can you before the revising barrister pset the validity of a man's claim under such rcumstances?—It was done very often in the orough registration: with regard to the value f a 10 *l.* qualification, valuers were brought into ourt on both sides, and great difference of opi- ion arose.

1199. But that is rent, not rate?—No, if it ere rent the matter would be settled by the roduction of the receipt.

1200. Now, of course, in boroughs if a man's ame is on the book for any amount, he has a ote?—Now it is so, but I meant in my answer nder the former 10 *l.* qualification.

1201. If I understand you rightly, you think here should be a kind of deputy revising fficer for each district, and that he should be the clerk to the board of guardians?—Yes, I think the clerk to the guardians is a suitable person.

1202. If I were to tell you of three unions which I know, in the first of which the clerk to the guardians is a farmer, in the next case a schoolmaster, and in the third case a stamp collector or distributor, do you think that those men would be well qualified to be a kind of deputy revising barrister?—I think in districts where such men are appointed as clerks to the guardians, they would probably be the best men for that purpose.

1203. And you think they should hold courts at which the overseers and political agents should attend?—Yes, if they thought it necessary to attend; I think he should receive the claims and settle disputes as far as was in his power.

1204. And then those owners and political agents would have to go again before the revising barristers?—Yes, but I think there would be very few cases left to go before the revising barristers.

1205. But you could not dispense with the revising barrister, nor would he be able to get over much more work, would he?—No, I think if he went to a place to hold a court, whether he had 20 cases or 100 cases, it would make very little difference as to whether he would hold two or three courts in a day.

1206. So that, practically, the trouble and expense which you would put the parish officer and political agents to, would not result in any great gain to anybody?—It would save no expense, but it would save much trouble and the time of persons waiting about, perhaps.

1207. But they would have to go twice instead of once, would they not?—A great portion would not have to go twice; they would settle their claims at the first time.

1208. But I am now speaking, not of voters but of the parish officers and the political agents who attend; they would have to go twice, would they not?—Yes, they would have to go twice.

1209. Will you be kind enough to inform the Committee who are the voters that you would allow to claim, at the time that the court was sitting, without any previous notice?—I intended it only for a few whose names had been accidently omitted; but certainly, if it were a rule that they were all to delay making their claims till the court was held, I should say that it would not do.

1210. But if you had not some very strict limitation there would be no inducement for any one to register in proper time, would there?—No, I think there would not.

1211. Do you know of some cases in your county, where a man who pays 50 *l.* rent is not on the rate book?—Yes, there a few such cases.

1212. Although you would abolish the 50 *l.* rating qualification, you would allow the man to claim, would you?—Yes; I would allow him to claim as he does now.

1213. You are distinctly of opinion that every new claimant should substantiate his claim if called upon?—Yes, I think so.

1214. And even if he proved his claim, that he should not have costs?—No, not unless he had made a statutory declaration.

1215. Simply saying, "I believe this to be true, so help me God," before a magistrate, and not define the qualification better than in the list, I suppose?—Yes; he would have to define the qualification as freehold, copyhold, or leasehold. I should not require him to define precisely what kind of freehold it was, but that it was a freehold qualification.

1216. And you think, generally speaking, that that would be a satisfactory way of testing the claim of a voter?—I think so.

1217. Mr. *Pell.*] With regard to the qualification of 40 *s.* freeholders in your county, what has been the practice of the revising barristers there; has it been to allow only those qualifications which are proved to be 40 *s.* clear?—No. The barristers have allowed the vote if it were proved that not less than 40 *l.* had been given for the qualification, and that it was unencumbered; even though it were a piece of land not actually producing 40 *s.* a-year at the time, if it had cost 40 *l.* and was unencumbered, they would allow the vote.

1218. Your county is Hertfordshire?—Yes.

1219. In the borough of Hertford have you any freemen who have divided corporation land among themselves?—I am not acquainted with the borough of Hertford.

1220. I mean for getting a vote for the county?—No, we have nothing of that kind in the borough of Hertford.

1221. So far as you know, the practice of the revising barristers' courts, even if a man owned a piece of land that produced but 20 *s.* a year in growth, he would obtain a vote if he could show that he had given 40 *l.* for it?—Yes.

1222. Does the revising barrister hold with you, that a twelve-pounder should claim every year though he is on the register?—The twelve-pounder does not claim; he is put on by the overseer.

1223. But I am supposing the overseer fails to put him on?—If the overseer fails to put him on, then he claims, or at least he may claim.

1224. Was the revising barrister's practice with you to insist on new claims being made by the overseer every year for the twelve-pounders?—The new list? No, the barrister does not care whether the names are on one list or two. We have some overseers who print all the names over again as the Act of Parliament requires, and some who print the old ones by themselves alone and the new ones by themselves; in either case the revising barrister revises the list and disposes of them.

1225. Are

Mr. *Bontems.*

20 May 1870.

1225. Are you aware that some revising barristers have held that it was necessary for the overseers to make the claim again for a twelve-pounder, although he was on the register, and still remained on the rate-book, and his condition is unaltered?—That is so, and is consistent with the instructions from the clerk of the peace as required by the Act of Parliament.

1226. Mr. *Wynn.*] And that practice is directed in the last Reform Act, is it not?—Yes.

1227. It is not the clerk of the peace's direction, but the precept ordered by the Act of Parliament?—Just so.

1228. You were asked by one of the honourable Members about the system of continuous registration, that is to say, the registration continuing throughout the whole of the year; whenever a man became qualified, how would you secure sufficient publicity in those cases of a claim being made, since you could not be perpetually reprinting the lists?—No, I would have a fixed time for the list to be printed and published, and a fixed period for the qualification to be reckoned up to for those lists. What I meant was that instead of confining the sending in of claims between the 20th of June to the 20th of July, when some persons might forget to send them in, I would let them send them in at any time, but I would have the lists prepared at a certain time.

1229. You did not mean that throughout the year as a man became qualified so that he would have one holding on the 25th of March in one year, and one on the succeeding 25th of March, without reference to any existing enactment, he should have the power on the 25th of March of sending in his claim?—No, I did not mean that.

1230. A former witness recommended that the system should be continuous; what is your opinion about that?—I think that might be inconvenient.

1231. Do you not think there would be considerable danger in that from want of sufficient publicity of improper persons getting on the register?—Yes, I think so.

1232. It would be a hardship on the out-voters to make them go to their own polling places to vote irrespective of their residence, would it not?—I think it would.

1233. I understood you to say that it would not?—I think it would be a hardship to them, and the candidate too; you would probably have to give them a railway ticket at an increased expense.

1234. Now, with regard to costs, do you think that you could impose a rule obliging the revising barrister to give costs?—No, I think cases are so various that you must leave something to his discretion, but you might say that a man should be paid for his time as well as his travelling expenses, which, I think, is now the practice in many cases.

1235. But there is nothing in the statute to limit it to that, is there?—No.

1236. It is costs generally, is it not?—Just so.

1237. That extension which took place under the last Act of Parliament from 20 *s.* to 5 *l.* has not produced any alteration, has it?—Not the slightest, so far as my experience goes.

1238. Are you aware that it is the practice of some revising barristers invariably to refuse costs wherever any alteration, however trivial, is made in the register of a man's name, whether in point of residence, of occupation, or of description of qualification?—I think that such good feeling is established between the barristers and the agents that the revising barrister is glad to make any excuse for saving the agent from the payment of costs.

1239. Are the overseers, in Hertfordshire, a class, tolerably educated men?—As a class, I should say they are.

1240. You do not find any gross mistakes in the parish register?—No.

1241. Not such a thing as the whole of the new claims being published on the "Objected" list?—Yes, we have some mistakes, something like that, which occur sometimes, but not in large numbers.

1242. Not often?—Not frequently.

1243. Would you allow costs where a vote is defended by an agent and not by the voter in person?—If the agent came on purpose to the court, I would.

1244. You would distinguish him from the general registration agents of the parties?—Quite so.

1245. But where the vote is defended, proper proof being brought to you by the Liberal or the Conservative agent, in that case you would not award costs?—I would not award costs unless in the case of some person having been objected to two or three years running, and perhaps, a necessity created for sending for deeds and unnecessary trouble being given; I should call that a vexatious objection, and I would give costs.

1246. I will ask you this question once more in your experience the provisions, as I understand them, of the statute with respect to publishing a certain number of copies of the register to the several parish officers for publication and distribution, has not been attended to?—It has not been attended to; I shall call the attention of the clerk of the peace to the statute.

1247. *Chairman.*] I think I understand your proposal to be, that you would make the costs contingent, or the amount of costs contingent upon some accidental circumstance, such as the employment or non-employment of a special agent, instead of it being contingent upon the objector having had fair grounds, or not having had fair grounds for his objection; is that so?—Yes, except that in the case of the objection being repeated year after year, and unnecessary trouble being given, even to the agent who is bound to be present on other business.

1248. If the same objection is repeated year after year, after a decision against the objection has been given, that, of course, would alter the case?—Yes.

1249. But do you consider that the amount of costs should depend on the objector having or having not had fair grounds to believe that his objection was valid; or do you mean to say that you would make the amount of costs contingent on the accidental circumstance of a voter having employed, or not having employed, a special agent to defend him?—If an objector without sufficient care makes improper objections, it is fair that he should be punished for it, but on the other hand, if the claimant has not taken the trouble to appear himself, and the person who has appeared has not been put to much expense, I should think there might be some difference made in the amount of costs.

1250. Supposing

1250. Supposing you objected to me, what I sh to ask is, whether in your opinion the ount of costs to be awarded to me if you l in your objection should be dependent on the estion, whether you had fair grounds of objec- n or not, or on the circumstance, whether I oose to employ a professional man apart from e agent of the political party?—If I had to oose, I would say it depended on whether I d fair grounds for making the objection.

1251. Then you would not, as a previous an- er of yours seemed to imply, make the costs pendent on the will of the voter, whether he ould or would not employ a special agent?—I ould modify that answer; sometimes as I said, I ink that a voter feels an unwarrantable degree anger against a person who objects to him, and ould go a long way just in order to obtain costs he thought he could do it.

1252. If you were to place me, the voter bjected to, in the position of being able to in- ct a large or small amount of costs on any bjector, by choosing to employ a special lawyer stead of being defended by the agent of the arty, would that be fair?—No, I should say ot.

1253. With regard to the facility with which nqualified persons may come on the register, did our answer apply only to owners of property nd not to occupiers?—Perhaps now under the resent law, it is more applicable to owners than o occupiers; before the introduction of the 12 *l.* oters, it applied to both.

1254. You said that in your opinion the over- eers were obliged to place persons on the regis- er who sent in their claims?—Yes.

1255. Although they might afterwards make n objection before the revising barrister?—Quite so.

1256. Do you think it would be safe to allow he overseers the power to refuse to place persons n the register, unless they had reason to believe hey were qualified?—I think not.

1257. You think that that would be dangerous, suppose?—Quite so.

1258. Even if you imposed a penalty on them or omitting names without good reason?—That vould have the effect of their putting all the ames on as they do now; they would not take he risk.

1259. When you speak of "paid" overseers, I uppose you mean what we know under the echnical name of "assistant" overseers?—Quite o.

1260. You said that, for rough details, you vould keep the present overseers supervised by he clerk to the guardians; do you draw any dis- inction with regard to the efficiency of overseers n rural districts and those in more densely popu- ated places?—We have more intelligent over- eers in towns and densely populated places than ve have in rural parishes; but in small parishes hey are generally farmers who, with the instruc- ions which they would obtain from the clerk to he guardians, would be able to do very well.

1261. Now, in rural parishes is it or not the ase that an ordinary overseer is generally ac- quainted with the real owners of property in his arish?—I think, generally so. It is sometimes ustomary to appoint farmers who have lately ome into the parish; but it is only in the case f a very small parish, and they very soon become cquainted with the owners and occupiers in the arish.

1262. In the great majority of rural parishes, do you think the persons from whom the over- seer, even if appointed soon after his arrival in the parish, would acquire his knowledge of the owners of property, are well informed with regard to these owners of property?—Yes.

1263. But when you come to a larger and more populous district, you think you would require a person of more intelligence?—Yes, and him you have in the assistant overseer.

1264. You have stated that you would like to see all the duplicate votes expunged from the register; would there be any more difficulty in the different clerks of unions comparing notes and ascertaining the duplicates before the revising barrister's court was held, than there is now in the agents of the different parties comparing notes with regard to the good and bad votes, and saving expense by mutual understanding?—No; there would be no difficulty in that communication between the different clerks of unions.

1265. You think that that might very well be done?—Yes; I think it might be arranged.

1266. You said, I believe, that you would allow the registrar, which I take to mean the clerk to the guardians, or the assistant overseer, to hold a court?—I applied the term to the clerk to the guardians when I said that.

1267. You have been told that in a certain locality known to an honourable Member of the Committee, a farmer, a stamp collector, and a schoolmaster, were clerks to the guardians; now, though we know that those classes of men are most intelligent in Hertfordshire, and some counties in England, they are hardly men of sufficient calibre to be entrusted to hold courts and to decide legal points, are they?—Possibly not.

1268. Would it be safe, do you think, speaking from your knowledge of the clerks to the guardians generally, to entrust such a power to them as that of holding courts?—My suggestion was hardly so dignified as that of holding a court; my idea was that they should fix a day for the revision of the lists; they would hardly perhaps call it a revision; I mean an examination of the lists; those who had claims and objections should appear before them on that day; it amounts to a court no doubt.

1269. That is to say, they should hold some meeting at which solicitors would be allowed to appear before them, and they would have to decide upon certain points; would that not be entrusting them with a power rather beyond that which the Legislature would like to entrust to persons of the ordinary calibre of clerks to guardians?—An appeal to the revising barrister would prevent any serious consequences resulting; but perhaps it would be hardly necessary that it should be such a court as a solicitor should be invited to attend.

1270. You said that you thought there would be no necessity for any cases coming before the revising barrister after leaving the registrar, except appeals from the registrar; but would there not be great danger in permitting those gentlemen to have such control over the registration, without any supervision of their ordinary manner of performing the routine business of registration?—I think that those remarks might apply to such cases as those which the honourable Member for East Norfolk referred to; but so far as I know, the clerks to the guardians in Hertfordshire are nearly all legal gentlemen, to whom the

Mr. *Bontems.*

20 May 1870.

preparation of the lists might be safely entrusted; perhaps as a general rule it might not be safe to entrust all clerks to guardians with such powers.

1271. Might there not be instances of omission or mistakes, which not immediately affecting either of the great political parties might not be made the subject of appeal, but yet which it would be very desirable to supervise by the higher authority of the revising barrister?—I think so; I would not leave any final decision to the registrars; when I gave my former answer I considered that each party would take care that any point of importance should be made the subject of appeal, and should not be overlooked.

1272. Did I understand you to say that you would allow the revising barrister to insert the name of any person claiming at the court of revision, but that you did not mean any person who claimed in respect of a qualification obtained since the day on which the claim should have been sent in, but some person who had been before qualified?—Yes, I only meant it to apply in a few cases in which the parties themselves had forgotten to send in claims at the proper time, or had been omitted by the overseer when the claims had been sent in.

1273. You mean to say that if a person who through his own neglect had not been placed on the list, though being duly qualified, he might have been placed on the list, you would extend that power so as to allow him to overcome the consequences of his own neglect?—Yes, perhaps this would be too lenient, but I answered in that way in my anxiety that all properly qualified persons should be placed on the register.

1274. I understand you to say that you do not agree with Mr. Baxter in considering that it is a great hardship for a person who is qualified to vote to have in the first instance to prove his qualification?—Just so.

1275. Considering the immense importance of having the register correct and pure, you think it is well that persons should submit to the temporary inconvenience of having to prove their qualification in the first instance, so that you guard them from vexatious objections in future?—I think so.

1276. Do you think that the appointment of assistant overseers in unions, where the guardians have not hitherto thought it necessary to appoint such officers, would be much objected to by the guardians as representatives of the ratepayers on the score of expense?—I think so, and any officer acting under the clerk to the guardians independently of the assistant overseers would be objected to very much by the guardians and by the ratepayers.

1277. Your opinion is that, as a general rule, the present overseers supervised by the clerk to the guardians, with the revising barristers as a court of appeal, would form an efficient system of registration?—I think so.

1278. Mr. *Brand.*] If I rightly understand your answers to the honourable Chairman, I think your evidence tends to this: you wish to have the clerks to the guardians as registrars decide as to matters of fact, and not as to disputed points of law?—Quite so. My idea was that they should correct the names and addresses and descriptions of property, that is to say, the localities where the property is situated; that they should get all the local facts correctly on the register, and the questions of value, such as the amount of rent, which is easily proved by receipts, leaving only the more difficult questions to be settled by the revising barrister.

1279. Leaving all disputed questions on points of law to be decided by the revising barrister?—Yes.

1280. In answer to the honourable Member for Norfolk, you said that if the overseer had to appear before the registrar as well as before the revising barrister, it would be some inconvenience to him?—It would be an inconvenience to him in attending twice instead of once.

1281. But do you not think that if the clerk to the guardians were the revising officers they would, by their experience and intelligence, save the county and country a great deal of trouble?—Yes.

1282. Do you think that such a change would be a great benefit to the electors themselves, and that the advantage to them would more than counter-balance the disadvantage to those officials?—I think so.

1283. In answer to one of the honourable Members of the Committee you said that in some cases you found that 50*l.* occupiers were not on the rate-book?—Yes.

1284. Would you be kind enough to state to the Committee any cases of that kind that have come to your knowledge?—I have known such cases.

1285. How do they happen; can you remember the details of any case?—No, but I have known of such cases.

1286. Mr. *Read.*] Do you know of no case where a farmer hires some grass ground and lives at a considerable distance, and in that case the landlord to save the parish officer trouble pays all the rates?—Yes, I know of that kind of case.

1287. Mr. *Brand.*] But by the law as it now stands, that man would be registered, although the landlord paid his rates, would he not?—No, if the landlord paid the rates the tenant would not be on the rate-book.

1288. But he might claim to have his name put on the rate-book?—Yes, that is what we want to provide for.

1289. He has that power now, has he not?—Yes, he has that power now.

1290. Mr. *Johnston.*] It seems to be very generally assumed (though I could never understand why) that personation would be much more frequent with the ballot than with open voting, but I understand you to deny that proposition?—Yes, that is not my opinion.

1291. Mr. *Read.*] The New Reform Act says that any man rated to the relief of the poor at the rateable value of 12*l.* and upwards, shall be entitled to vote, does it not?—Yes.

1292. If the rate-book is produced, and that man is proved on that rate-book to be rated to the poor at 12*l.* and upwards, how can you by any possibility get that man's name off the register?—I think it would be open to argument before the revising barrister, that although on the rate-book he was rated at that value, an error had been made by the parties rating him, and that the premises were not, as compared with other property in the parish, of the rateable value of 12*l.* a-year.

1293. Did you ever hear of such a case, or know of such a case?—I knew of such cases under the 10*l.* franchise in boroughs.

1294. The 10*l.* franchise in boroughs was qui

ite different; the 10 *l.* franchise in boroughs id, "Of the clear annual value of not less than 0 *l.*;" now one is the yearly value and the her is the rated occupancy?—Yes, the rateable lue; both being questions of value they would debateable.

1295. Surely there is no question about it if man has paid his rates, and the overseer has orn that that is a correct copy of the rate-ok, how could the revising barrister strike that an's name out?—That was a question that was ken into consideration at our first revision, after e passing of that Act of Parliament, and the rristers and the agents on the other side all greed with me that it was open to debate hether any premises were of the rateable value 12 *l.*, and we took the rate-book as a guide by rangement, not because we considered ourselves ound by it.

1296. Sir *Harcourt Johnstone.*] Is the decision the assessment committee of a union supposed be final in that case?—I never heard of a ion assessment committee being quoted in the vising barristers' courts at all.

1297. But if it is a question of local rating, rely that governs the local qualification?—If e Act of Parliament said that parties rated at 2 *l.* in the rate-book should have a vote, it would ve been unquestionable; but as it says "Occupiers of premises of the rateable value," the estion is, how shall the value be decided; it es not say the rate-book shall decide the value, erefore it leaves the matter open to dispute. he overseer of one political party might put a rtisan of his own on the rate-book at 12 *l.*, hose property, compared with other property the parish, might not be worth more than 10 *l.*

1298. Mr. *Dodds.*] I fear you may have known ses in your experience where that has been done stematically?—I have known it done systeatically, but not latterly, I am happy to say.

1299. Have you known cases where the election a clerk to the guardians had been entirely due political consideration, having regard to the wer which he would have in connection with e assessment?—No.

1300. Mr. *Read.*] Do you know that in the esent day the rateable value of the parish has go before the assessment committee every year, d is revised by them?—Yes, I am aware that uch greater precaution is taken now than forerly, and therefore the rate-book is a much ore certain guide; but I should like to see the te-book made the final ground of decision.

1301. You say that it is not so now, and if man's name stands in the rate-book at 12 *l.* is quite possible for that man's vote to be obcted to, and for the objection to be sustained efore the revising barrister?—Yes; an objector ould have a perfect right, under the present w, to demand to put in evidence to prove that at qualification was not of the rateable value of 2 *l.* as compared with other property in the arish.

1302. Sir *Harcourt Johnstone.*] Do you not ink that, *primâ facie*, the local assessment committee is the best evidence in the world of the ateable value of property?—Yes, I think, after aving taken all the pains you can to make a orrect assessment, that should be final for the urpose.

1303. Mr. *Read.*] But is there not a great eal of difference between the qualification under he old Act of Parliament, which said, "of the clear annual value of not less than 10 *l.*," and the present one for the counties, of a rateable qualification?—Inasmuch as you approach nearer and nearer to a correct rating, no doubt you increase that difference.

1304. Whereas, in the other case, it was quite possible for two individuals to agree to a fictitious rental; it is a very difficult matter indeed for anybody now to agree to alter the rate-book for political purposes, is it not?—Yes, I think so.

1305. Who is to pay the clerk to the guardians for the extra duties to be imposed upon him?—The parish, either through the board of guardians themselves, or by allowance, according to the trouble given, to be authorised by the revising barrister, as is now done with regard to the overseers.

1306. The revising barrister is now paid by the nation, is he not?—Yes, the revising barrister is paid by the nation; but I am speaking of payment to overseers.

1307. If I understand your evidence correctly, you would save the nation the payment to the revising barristers, and you would inflict on the county this further burden, of the payment to the clerks to the guardians?—It would be a very small increase.

1308. Mr. *Pell.*] It has been said, with regard to the registration of 12 *l.* occupiers, that it was settled by the Registration Act of 31 & 32 Vict. c. 58. Now, the 19th section of that Act of Parliament says, that the list of 12 *l.* occupiers "shall be annually made anew by the overseers of the parish or township." How do the overseers, as far as your knowledge goes, make out the 12 *l.* lists now?—The greater part of them do as the Act of Parliament prescribes, making them out anew annually.

1309. What do the others do?—The others simply do as the Rickmansworth overseer did, make out a list of the new ones.

1310. What becomes of the old ones?—The old ones are printed in a separate list.

1311. Who prints them?—They are printed, not as a new list of voters, but as a copy of the old register.

1312. But who prints them?—They are printed by the overseer; in fact, they are copied from the list furnished by the clerk of the peace.

1313. Suppose they are not printed by the overseer, but as is frequently the practice printed by the clerk of the peace, do you consider that that list would then be made anew with regard to the men that were on in the preceding year?—As prescribed by the existing law, I think they would, whether printed by the clerk of the peace or the overseer.

1314. Have you heard that the revising barrister for last year objected to the lists that had not been strictly made out anew of those 12 *l.* men, and disqualified many of them?—I was not aware of it.

1315. That was the case in the county which I represent; they were disqualified in large numbers; you are not aware of that?—No, I was not aware of it.

1316. Mr. *Wynn.*] Do you see any objection to the list of 50 *l.*, and 12 *l.* occupiers being amalgamated, stating the different amounts of holding in the 3rd column?—I see no objection to their being amalgamated; I do not see why all the occupiers should not be put into one list.

1317. Are they printed every year?—Yes, they are printed every year.

Mr. *Bontems.*

20 May 1870.

1318. Are they printed as a whole, and not with the addition of the new ones?—They are printed as a whole, and then there is simply another list of fresh ones that have made claims since.

1319. You would still keep the new ones that had come into occupation since the last register as a separate list?—I would keep those that had come into occupation since the last register as a separate list.

1320. On its being revised and put on the register, it would be incorporated with the old list, would it not?—Yes.

1321. That would only be what answers to the new claims?—Quite so; I would let the overseer take the old register, and put the words "objected to" against the names of those that had left, and then simply make out a list of the newly qualified men.

1322. Mr. *Pell.*] Then how would the 50 *l.* Chandos-clause man get on the register in extr parochial places where there is no rate-book?—He would have to do it by sending in a claim.

1323. *Chairman.*] With regard to throwin certain duties on the Post Office authoritie which was suggested to you by one of th honourable Members, do you not think tha bringing more authorities into the matter than i absolutely necessary, would rather complicate th thing?—Yes, I think it would.

1324. With regard to the statutory declaratio which you said would be principally a relief t the out-voter, would it not be also a very con siderable relief to the poorer class of voters i towns and crowded districts, where they hav now to leave their work at very great inconve nience, to be kept waiting at the revising barris ter's court?—I think so.

1325. Is there anything else that you wish t suggest to the Committee?—No.

Mr. John Hurrell, called in; and Examined.

Mr. *J. Hurrell.*

1326. *Chairman.*] You have had some experience in the revision courts, I believe?—Yes; I had the honour of being appointed revising barrister for West Kent, and the boroughs of Maidstone and Rochester, in the year 1860, which places I revised four years, for the last six years I have been revising barrister for East Surrey, and the boroughs of Southwark, and Reigate till its disfranchisement, and with the exception of one year, when Mid-Surrey was first created and taken out; (last year) I took the whole of East Surrey, and of Mid-Surrey, the polling districts of Richmond, Kingston, Sutton, Reigate, and the borough of Southwark, my colleague being Mr. Le Breton, and he took West Surrey, the remainder of Mid-Surrey, and the boroughs of Lambeth and Guildford.

1327. During the time that you have filled the office of revising barrister, have there been many points of difficulty that have arisen upon which you have consulted other revising barristers?—No; I do not think there have been cases upon which I have consulted other revising barristers; I have generally consulted my books. I may be, perhaps, allowed to inform the Committee, that during the time I have had the honour of being a revising barrister, two cases only have been taken from my court to the Court of Common Pleas; one of those cases you have somewhat alluded to with regard to the Post Office, from West Kent, and the other from East Surrey with regard to Putney Bridge. Those are the only two cases I have ever had appealed against, or sent to the Court of Common Pleas, and in these I differed with my brethren.

1328. I wish to know whether it is your opinion that the witnesses are justified in saying that a considerable difference of opinion exists among the revising barristers upon the various provisions of the law relating to registration?—I do not know that I can say that with any degree of certainty; I should say probably there is.

1329. But you have not had that brought specially before you with respect to any particular points?—I may say that I have occasionally had it brought before me by advocates; they have stated that Mr. So and So has decided so and so; that was the case in both those instances I have mentioned. I believe I said I should be happy to hear what they had to say; but that I could only be bound by the Court o Common Pleas.

1330. But there has been no such evidence o great disagreement as to induce you to meet wit other revising barristers to endeavour to ensur uniformity in your decisions?—I should sa that the revising barristers of the home circu have very frequently chatted together upon point of law. There is no doubt considerable difficult in the laws of registration at present, and if the were consolidated it would be of very great ad vantage to the profession, and also probably t the public.

1331. With regard to the overseers, is it you opinion that they are persons qualified to mak out the lists which they have to make out, an to perform the other duties incident to their posi tion?—In their present position I should say yes because generally speaking in the large parishe those duties are performed by an assistant over seer or by the vestry clerk. I will take Croydo for instance, there is an official, Mr. Henry Seale who is a most efficient person, and another a Lambeth, Mr. Warren; I mention these as bein the largest districts; I cannot say how man voters we have there now; but I should sa something like 9,000 names to deal with.

1332. Do you mean county voters?—Yes county voters' names: they have wonderfully in creased during the last two years. And wit respect to that portion of the matter, I must be leave to direct the particular attention of the Com mittee to the enormous cost of printing, and th large number of duplicate names. As the law a present stands, I believe they are strictly boun to print first of all the property qualification with the 50 *l.*, and then they are to reprint th whole of them in the 12 *l.* list. Now beside th cost, there is the absurd work of obliterating then as duplicates, which takes up an enormous dea of time, and causes an immense deal of unnes sary trouble to all parties; I am not sure, but think it took me above 12 hours to obliterat those names in Croydon alone at each of the tw last revisions.

1333. What we should aim at is to have tw lists only, one of owners of property, and th other of all the occupiers, is it not?—Yes, think so; but I think it would be very advisable if you had that opinion stated through those very practica

practical men whom I have named, how to insure correctness in this respect.

1334. Now, with regard to large parishes, I understood you to say that you find the assistant overseers are efficient persons, and probably you would agree with the other witnesses who have been examintd before us, that it is almost necessary, and that it has been recognised by the local authorities, that assistant overseers should be appointed in such parishes?—Undoubtedly.

1335. With regard to small parishes, have you found such incompetency in ordinary overseers as to induce you to think that it would be desirable to introduce such a change as to remove those duties from them?—No, I think not; generally speaking where there are a sufficient number of voters there is a schoolmaster, or a person of that kind in the village, but if not, there is generally speaking an efficient farmer who works the others up.

1336. That would be unnecessary where the work of the overseer is superintended by the supervision of a political agent of one or the other party, but without that do you think that they are competent officers?—Generally speaking; the most stupid people I meet with are at Godstone, on the borders of the Surrey and Sussex, a partially wild woodland district; they are certainly not very wide awake; some are very small parishes.

1337. Do their mistakes consist in bad spelling, and the careless making out of lists, or have you had reason to complain of any practical evil to the electors by omission of names?—No, but once, and that was the last time at Kingston. I visited the assistant overseer with a very severe reprimand; he was excessively stupid, and he came before me, I believe, drunk. I disallowed his expenses, and threatened him with being punished by the law as well.

1338. But, putting aside the temporary error into which he fell that day, had he committed any error in his lists?—Yes; they were very faulty, indeed. I do not think that they were intentionally so, but that it was from actual stupidity: I took the agents on both sides into a private room with me, and I pointed out the stupidity with which this man had exercised his vocation. We chatted the matter over, and put the persons on the list as honestly as we legally could.

1339. Now, do you consider that an overseer is obliged to put on his first list any person who claims, whether he has or has not an actual knowledge of the existence of the qualification?—Yes, I think so, decidedly, if he claims; and I have a very strong opinion with regard to the overseer striking them out. I do not allow an overseer to tamper with a list in that way except he knows that a person is dead, or that a freeholder has sold his qualification, or a voter divested himself entirely of his qualification.

1340. To follow up that point, if an overseer is bound to place on the list any person who claims, supposing there is no political organisation watching over the register, is there not a very good chance of the list being crowded with claimants who have not really a qualification?—No, I should say not; I have been very fortunate in that respect. For the first four years when I revised West Kent, I had during that time as able and respectable men as I could possibly wish for; one was Mr. Charles Lewis, who represented the Tories, the other Mr. Roberts, the Liberals; he was succeeded by a Mr. Hall, and I must say I regretted leaving the place in consequence of the highly respectable and honourable way in which they conducted their duties; but when I came into East Surrey I found that my advocates there were quite as honest, quite as respectable, and quite as able, and I believe both registers were pure; I believe that every man was and is on the register as far as possible who ought to be on the register.

1341. Now supposing a claimant comes before you upon the overseers' list, and is not objected to, what is your course of proceeding with regard to that claimant?—If he is not objected to, I should keep him on; that is a sort of rule *nisi*, no cause being shown against it.

1342. Then coming back to the question which I put to you just now, suppose a certain number of persons are not objected to by the overseer, unless they have a political organisation watching over the register, it might happen that a great number of fictitious votes would come on the register, might there not?—It might, but it is not so in my experience.

1343. Your experience has been in counties where a political organisation has existed?—Yes.

1344. But in cases where those political organisations do not exist that evil might occur, I suppose?—Yes, but then you might say this, that the revising barristers should call in every instance upon a claimant to prove his qualification.

1345. But do you not think that something might be done by the overseers at a preliminary stage, for instance, that an overseer having reason to believe, or who could not show he had not reason to believe, that there was no such property as that for which the claim was made, should be bound to object and to keep the man off the register?—I have not much faith in preliminary organisations, nor am I in favour of overseers' objections as at present based.

1346. Would you rather insist on a claimant in the first instance always proving his qualification?—If I thought there would be a liability to fictitious claims, I certainly should; but that is a matter rather beyond my ken.

1347. But the Committee have been told that persons who not only have no property, but who never claimed themselves, and had no idea of being on the register, find themselves by the assistance of some kind political friend, placed on the regisier; do you not think that the state of the law must be very defective which allows such a proceeding?—I certainly think that it would be of very great moment to alter it.

1348. Which is uppermost in your mind; the feeling that it is most desirable that every facility should be given to duly qualified persons to come on the register, or the feeling that it is most essential that the register should be kept pure?—I should say yes to both; those two questions are involved in one; I think it is highly essential that the register should be kept pure, and I think it is absolutely desirable that proper facilities should be given, so that every person who is duly qualified should be put on the register.

1349. But is it your opinion that sufficient facilities now exist for persons to get on the register, or is it your opinion that the objector has not sufficient encouragement to test the qualifications of claimants?—I think in that respect the

Mr. *J. Hurrell.*

20 May 1870.

the law is tolerably effective; I have a great horror of striking a man off the register unless there is an objection against him; I never think of such a thing, I do not like striking a man off the new list, unless he is objected to; but I have always found that they have looked after that exceedingly well in my districts.

1350. With regard to objectors, do you think that the system by which a person objects to a voter with no knowledge of his own, but merely at the dictation of an agent signing hundreds of letters at a time, is a wise system?—That is of very little consequence. If they make a frivolous and vexatious or a groundless objection before me, they know what the consequence is.

1351. You think that any such restriction on objectors as would make it necessary that the person objecting really was a person who knew something about the voter, would be an unwise restriction?—I believe this, that unless they have some good ground of objection they ought never to object, and that unless they have good ground they place themselves under the ban, that it is groundless, frivolous, or vexatious.

1352. But do you hold an objection to be groundless, frivolous, or vexatious if any alteration is necessary in the description of a voter's name, qualification, or address?—That must depend on circumstances; for instance, take the case of a change of residence, I should consider that that was not groundless, frivolous, or vexatious.

1353. Suppose the name of a voter is mis-spelt in his claim, or in the overseers' list, which you would have the power to amend, would you consider an objection on that ground groundless, frivolous, or vexatious?—If it was *idem sonans* I should correct it, but I could not think it groundless, frivolous, or vexatious; but I must tell the Committee this, that I have had very few cases of that kind before me. As soon as I have been appointed by the senior judge on circuit, I write to the agents on both sides, requesting them to meet me at my chambers. I have a conference with them with regard to the best time of beginning the circuit, and I then ascertain from them what time will be required at each particular place, if there are any very knotty and new points that they wish to raise, so that one has an opportunity of well working them up beforehand, by this we get rid of a great portion of the froth and go to the substance at once, otherwise with such a very large contested constituency I might be sitting for ever.

1354. Has it never struck you that that in that, a very wise course of proceeding, you have been dependent on agencies that exist independently of the law, although not opposed to it?—But they have acted in a most salutary way.

1355. But is it your opinion that it is safe in a great national system to trust to organisations apart from the regular machinery provided for carrying out that system?—I only received notice to attend before this Committee last night at half-past six o'clock; I should have liked very much to go further into those matters, before expressing a decided opinion on that point.

1356. Now with regard to the question of costs; is it your practice ever to give costs in the case of a claimant for the first time objected to?—No.

1357. That is your general rule, is it?—Yes, but if I thought there was a very gross case I do not mean to say I should not make an exception; but at the same time I ought to add, that during the 10 years I have been revising barrister I have not had 10 times to give costs for groundless, frivolous, or vexatious objections. I have on one or two occasions, and they have been swinging costs.

1358. I have been confining my questions to claimants for the first time; is it not the case that in the courts which you have held in the southern counties the general practice has been to object to all new claims, but by preliminary inquiry among the agents on both sides to withdraw all objections unless they are found to be substantial?—I should say so, decidedly.

1359. But instead of leaving it to such a course of procedure, do you not think it would be better if there could be some preliminary inquiry into the validity of a claim by persons of a rank superior to that of the overseers, so that the voter's claim might be tested before he appears on the list?—I have not much faith in those preliminary inquiries. Each of those advocates who attend my courts have a lieutenant at the various polling places, who make all those inquiries. I sometimes find that those persons are so pugnacious, and that they enter into their political matters with such a great degree of asperity, that those preliminary inquiries are not so very efficacious until supervised by the advocates.

1360. I need hardly ask you whether you coincide with the observations of the last witness, who thought that a species of court might be held by the clerks to the guardians?—No, certainly, I do not.

1361. You do not think that it would be quite safe to entrust to them such a power?—I do not, indeed.

1362. With regard to the amount of costs; do you think that the amount of costs should be regulated, with respect to the particular inconvenience to which the voter should be subjected, or with regard to the objector having or not having had fair ground of objection?—I think that must be left entirely to the discretion of the revising barrister. I think it is possible that persons might, if they had been objected to, go 100 or 120 miles into the country for the express purpose of vexing a political opponent, and that is a matter which must be left to the revising barrister.

1363. It has been suggested to the Committee that persons might be allowed to claim up to the very last moment, and that they might even bring their claims before the revising barrister without any previous notice having been given; what is your opinion with regard to that?—I think, if I recollect rightly, there is some clause in the original Registration Act that almost goes to that extent; supposing a claim has been really omitted, and a person comes before you and states that is the case. Perhaps the Committee will allow me to add, that during my experience as revising barrister, I do not think that I have ever had that case arise, and, if so, not more than once; but I believe there is a clause to that effect.

1364. Do you think that a claimant for the first time might be allowed to make a statutory declaration, as has been suggested to this Committee, instead of coming to prove his case before the revising barrister?—It must depend entirely on the question before him. If you get a competent person to test his accuracy, it might do.

1365. Would it in your opinion be satisfactory to let a person come on the register in virtue of this

this statutory declaration, without having that declaration exposed to the test of cross-examination before the revising barrister?—I think it should be tested before some one; I should say, certainly not without that.

1366. If the qualifications were to be tested by cross-examination, would it not be better that it should be before the legal tribunal, over which the revising barrister presides, rather than before anyone else?—I think so.

1367. By 6 Vict. c. 18, s. 37, the revising barrister is directed to insert in the list of county voters, the name of any person omitted from the list of claimants; "in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the last day of July, then the next preceding, to be inserted in the said list of voters;" is not that clause given not to confer any new right on the voter, but to prevent his suffering from the neglect of the overseer?—Yes.

1368. That is to say, a voter having complied with all the requirements of the law, and having by the act of another person been deprived of his privilege, the revising barrister is to have the power to prevent his suffering?—Yes.

1369. But that is a very different case from that to which my questions just now pointed, and to which you seemed to think the clause was applicable, namely, that of a person having by his own act neglected to give notice, or having acquired property subsequent to the time up to which claims might be sent in, is it not?—Yes.

1370. Do you not think that although there may be a certain inconvenience to individuals from the establishment of certain dates, after which no claim should be sent in, yet, that in order to secure a uniform system and purity of registration, it is absolutely necessary to adhere to some fixed date?—I do.

1371. Now with regard to duplicates, you have stated that the agents, by comparing notes together, prevent a great deal of what you called "froth" coming before you, and enable you to get to the substance at once; do you think that if a system were in force by which the clerk to the guardians, or some other competent authority in different unions, should ascertain the proper persons to be placed on the register within their union; then by their comparing notes they could come before you in such a manner as to enable you to strike out duplicate names without any very great amount of trouble?—No, I think not; I should prefer the present mode very considerably.

1372. Will you state to the Committee your reasons for that?—I do not think that in the many cases the persons are really competent.

1373. Not the clerks to the guardians?—No.

1374. I did not mean that the clerks to the guardians should strike out names from the register; what I meant was this, that the clerks to different unions, by comparing notes, should be able to present before you the duplicates upon their several lists, so that you might strike out those duplicates; suppose we have A, B, C, and D, who are clerks to the guardians in four different unions to whom it is proposed to entrust the compilation of the lists which are to be submitted to you; a person may be in possession of property in several parishes, and in several unions, unless the different clerks of unions compared notes he might be on the register a dozen times or more; do you think there is any greater difficulty in those clerks of guardians, having arranged their lists, and comparing notes, and finding out which are duplicate names than there is now, with regard to the political agents on either side who compare notes on the subject?—As the law at present stands it is this, if a man has 20 qualifications in, say West Kent, he may be put on the register for those 20 qualifications; he says, "I am not likely to sell this freehold, but I may sell that leasehold property," and so on. I can tell you of two names, one was the late sheriff of Middlesex, Mr. Pilcher. I do not know how many times his name was on, but I asked him to let me strike some off. But he said, "I may sell so-and-so." Another gentleman was Mr. Frank Barrow, an eminent name on our circuit, had several qualifications, but he acceded to my request.

1375. But if a person secures his right to vote by being on the register once, is it well that he should have the right to put the country to the expense of printing his name 20 times over?—He has a right, but though it is well to have a giant's strength, we are told that it is tyrannous to use it like a giant; I should not object to having his name on the register twice, because he may sell one qualification.

1376. But would it be necessary to have his name on the register twice?—No, certainly not necessary; it is merely to make assurance doubly sure.

1377. You might protect him by applying the principle of successive occupation to freeholders, might you not?—I see no objection to that; all you want is to secure the franchise to a man who has a freehold, or other qualification, by giving him his vote.

1378. Are there any suggestions with regard to amendments of the law that you would make to the Committee?—That is a very extensive question, and I am afraid that if I begin to go into it I shall take up too much of your time.

1379. With regard to your powers in your own court, do you think that they are extensive enough with regard to alterations?—They are improved, but I hardly think they are sufficient, and I will give the Committee one instance of that. I think you know the borough of Rochester; one of my predecessors was unfortunately attacked there most seriously; I believe a book was thrown at his head, his papers seized, and at last he was forced to be taken from the court to his inn by the police. I heard before I went there, this had been the case; I do not know that something of the kind would not have befallen me on my first assuming my seat if I had not been resolute, for a gentleman jumped up in the body of the hall, and was excessively violent and vociferous, he (said he) was not going to see that man's vote attacked; I called to my sergeant-at-arms, "Turn that man out;" the fellow stared very much, and he said, "I shall not go;" I said, "Turn him out instantly;" and he was turned out neck and crop; the end of that was, that in Rochester, I found them the best conducted people possible ever after.

1380. But do you consider that you possess sufficient powers in general?—I think that, now we have, or ought to have, policemen to attend at each place, we have an opportunity of keeping order in the court. I have had no difficulty, since that case which I mentioned at Rochester, in that respect.

Mr. *J. Hurrell.*

20 May 1870.

1381. Should you object to your discretion with regard to costs being limited in any way, or should you like your powers extended in any way?—I am hardly a competent judge upon that point, I think, having had so rarely to inflict costs; but I think it would be desirable to extend that power rather than otherwise; 40 *s.* is the highest amount I have ever had to inflict.

1382. With regard to holding courts in different places in the county, is it your habit to hold one at each polling place, or one in two districts?—No, I hold one in each polling district; I could not very well do otherwise; some places take a good three days' work, and more than that. Godstone is the only place where it is only a few hours' work.

1383. There is one more question that I wish to ask you with regard to making the statutory declaration which we mentioned just now; is your experience of the voters that have come before you such as would lead you to believe that they would sign this statutory declaration with a real regard to what they were doing, or that they would rather sign at the dictation of some agent, and very often sign inaccurately?—With regard to the old qualification, I should say decidedly you might rely upon them; but as to the newly-qualified 12 *l.* voters, I have had so little experience of it that I should be exceedingly sorry to say anything prejudicial to their honesty and integrity until I had practical proof to the contrary.

1384. But the statutory declaration would be for the most part made by 40 *s.* freeholders, or persons claiming freehold property, and you have had them always, have you not?—We have statutory declarations now, in one respect, but I think I have had only one or two instances of their being adopted.

1385. But you have had the class of men in question before you; do you, or do you not, think that they are persons to whom it would be well to entrust the making of such a statutory declaration?—Not without the power of cross-examination. I think you should have an opportunity of testing the credibility of the witness.

1386. Mr. *Brand.*] Is this a correct statement made by a former witness that "any persons who came into possession of property by the death of another, or by marriage or promotion to a benifice or office, after the 20th of July in any year, cannot now become voters for 18 months after that time; but that under the state of things that prevailed, previous to the passing of the Act of 1832, those persons, if an election had taken place on the 21st of July, and they had come into their property on the 20th of July, could have gone up and voted," there and then?—I did not know much about electioneering matters at that time; I began my work as a revising barrister in the year 1860.

1387. Do you not think that it would be desirable, with regard to persons coming into property in that manner, to make an exception in their favour, and allow them to claim subsequently to the day on which other claimants are obliged to claim?—I hardly think so; you would be placing others in rather an unfair position. I should be inclined to let that remain as it is.

1388. You would not put them in as good a position as they were in previous to the Reform Bill of 1832?—No, I think not.

1389. What would be your objection to doing so?—I think you would give them an undue preference, and I do not see that there is any reason for it; my idea is that we should mete these matters out with a fair and just hand to all.

1390. Your work in the revision courts is lightened to you by political agents more than by the overseers of parishes, is it not?—Yes, considerably so; the overseers generally would put on such an enormous deal of useless lumber.

1391. If there was no political association to look after the overseers, I suppose you would find the lists very badly kept, and you would have great confusion in your courts?—I should say so, I should think you would find that in agricultural districts, some distance from London; I am speaking now from my own experience, and I should say that would be the case.

1392. You are not personally acquainted with overseers of parishes, I suppose?—No, excepting from their attending to deliver their lists.

1393. You deal for the most part with the political agents?—Just so; the agents attend me at almost all places and look after the business very well.

1394. You cannot possibly be so good a judge of the character of parish overseers as of the registration officers?—Certainly not.

1395. You think it is quite impossible to find an official in counties who would do all the work that is now done by the political parties, and do it just as well?—Certainly; I think that the present people do it much more efficiently than any other parties you could possibly meet with.

1396. But then, if the political associations carry on the registration work, do not the voters think that their votes go to the members of those associations who have been at the expense of substantiating their claims?—No, not always; I have known the contrary.

1397. But that is so to a great extent, is it not?—They very often get taken in; but they both work their very hardest for their respective parties.

1398. Do you not think that that is in itself a great evil?—If party spirit is an evil, no doubt it is a great evil; but how can you make it otherwise?

1399. But if you happen to be mistaken in what you have stated, and it is possible to find an official who could carry on the work as well as those political agents, it would be a very desirable reform, would it not?—If you put it as a possibility, probably it would; but I think the possibility would be so rare, that you would find the present rule would be very much better.

1400. Have you known any cases in which the revising barristers' decisions have been reversed on appeal?—Yes; if you look to our reports every year, and go back as far as Lutwyche, you would find that the case.

1401. There are numerous cases, are there?—Yes. I should hope, for the sake of my learned brethren, that the majority of their decisions are sutasined; but there are some of them that are reversed.

1402. Take them as a body, would you say that the revising barristers are experienced lawyers?—I really cannot judge of my brethren.

1402*. Do you think that it would be desirable that their appointments should be in the hands of the Court of Common Pleas rather than in the hands of a single judge?—No, my impression is that the appointment had better be in the hands of

f some persons, where there cannot be the lightest political bias, if it were possible.

1403. But I suppose it is more likely that he whole body of the Court of Common Pleas ould appoint barristers from proper motives han a single judge?—We have eight or nine idges to appoint them now.

1404. I thought that the revising barristers ere appointed by a single judge?—Yes; but here are eight circuits, and the senior judge ppoints for them, and the Chief Justice of the Queen's Bench appoints for Middlesex, London, nd the boroughs therein.

1405. But still a single judge appoints a single arrister, does he not?—Yes. Do I understand ou in your question to ask if the six judges of he Court of Common Pleas are to have the appointment of revising barristers?

1406. The question I put to you is: it is less ikely, is it not, that the whole body of the Court f Common Pleas would appoint revising barrisers from political motives than one single judge?—I do not see that myself.

1407. *Chairman.*] You do not think that the udges generally are actuated by political motives?—No, most certainly not; but I hold a very strong opinion that no revising barrister ought to use the franchise if he has it.

1408. Mr. *Johnston.*] You are justly loud in your praises of the party agents; but you are aware that the advantage is gained at an enormous expense to the sitting Member or the probable candidates, are you not?—No; I believe that some of them are very poorly paid.

1409. Are you aware that in one of those divisions which you have mentioned the expenses amount to about 2,000*l.* a year?—No.

1410. I do not know whether it is a fair question to ask you, but supposing the duties of the revising barristers could be very much reduced, could not the number, and therefore the expense, of the revising barristers also be somewhat reduced?—I do not suppose that you can possibly obtain efficient men for a less sum than you now pay. The fee at present is 200 guineas, and the barrister pays all the expenses.

1411. My question is rather that the number of revising barristers could be reduced, and therefore, though each might be paid as much, the expense would be less?—Until I saw the working of the new scheme I could not possibly give an opinion.

1412. Have you seen the Report of Mr. Harcourt's Committee on borough registration?—No.

1413. Sir *Harcourt Johnstone.*] May I ask you whether you have had, in your experience in your county, any knowledge of the clerks to the guardians?—Yes.

1414. Do you think that, as a rule, those gentlemen possess the confidence of the guardians?—Some of them are exceedingly competent people. I know instances where the clerks to the board of guardians are not legal men at all.

1415. But, as a rule, if they have been elected by the guardians we may presume that they are efficient men, and that they have the confidence of the board of guardians?—Yes, you may take that for granted, I think; they would not be elected by the guardians unless they had the confidence of the majority of them.

1416. Would not it be your opinion, that in unions they are competent to act also as clerks to the local assessment committees?—I know very little about the local assessment committees; I do not attend to parochial matters.

1417. Would it not be the case that there would be fewer cases of appeal from the revising barristers after the register had been overhauled by a local preliminary court?—No.

1418. Why do you think so?—For this reason, that the cases of appeal which go from our courts, are generally cases of a very stiff character, and cases that we have doubts upon.

1419. You mean questions of law?—Yes; questions of law.

1420. But at all events it would give you less work to do if there were preliminary inquiries, would it not?—Yes, I should fancy so; but there are a large number of disputed facts that come before us that require a legal mind, and a mind, I think, with common sense; the mind of judge and jury as well, to a certain degree.

1421. Do you agree with this portion of the evidence of Mr. Deedes, which was given before the Select Committee on the Registration of County Voters which sat in the year 1864, "It would be a great improvement if it could be brought about in some way, that the precept going from the clerk of the peace as it does at present, together with the notices and forms as they do at present, to the respective overseers, should afterwards be taken to some such person as I have been speaking of, some agent, whether a professional man or otherwise, for correction in point of form, that they should be brought before the revising barrister through the means of this local agent;" do you not think it would be advisable that all this should be revised by local agents before it came before the revising barrister?—At the present time they all go to the agent.

1422. I do not mean the agent to the parties, but I mean the local agent, independently of the political agent, that there should be a sort of intermediate court before it gets to you?—I do not see the use of that.

1423. Mr. *Dodds.*] Do you think that every notice of objection should state the specific grounds of objection?—Yes, I do; and I will tell you why. I think you have no right to object to a man unless you tell him specifically the cause, in order that he may be prepared to meet it; if I did not think that the objection was specifically stated, I should in all probability at least give him an opportunity of seeing me at another court.

1424. Your answer applies not merely to persons on the old list of voters, but also to persons on the list of claimants, and to every case in fact?—Yes, decidedly; you have no right to call upon a man to fight in the dark; everything that can be taken to be straightforward and aboveboard, should be; I have no idea of any subterfuge.

1425. Do you think that revising barristers ought to have the power, where an objection is frivolous or groundless, to award full costs not exceeding the actual expenses incurred, and compensation for loss of time?—I think there might be a discretion; at present it goes up to 5*l.*; I have never had occasion to go so far as that, but I could fancy an instance of a man going 100 miles away for the sake of punishing a political opponent.

1426. But would you remove the hard and fast line that is drawn at 5*l.*, and leave it entirely in the hands of the revising barrister?—As I have never had to go beyond 2*l.*, I think that it might be

Mr. *J. Hurrell.* 20 May 1870.

be very safely left there; a man may go a long way for 5 *l.*

1427. But if a professional man has to go 100 miles one day, to spend another day in the court, and another day in returning, giving him his expenses out of pocket is no compensation to him, is it?—If it were discretionary, that would meet the case.

1428. Do you think that that is a discretion which may be safely entrusted to the class of men to which you belong?—As far as I can judge of my fellows, I should say, certainly it might.

1429. You think, if I rightly understand you, that the revising barrister should have the power in cases of objection to make any alterations or amendments whatever in the register?—Yes, they should have that power, certainly; but at the same time I think that the revising barrister should keep as near the rules of evidence as he possibly can.

1430. My question merely was, whether you consider that the revising barrister should have the power to make these amendments?—We have, under the 40th section of the Act of Parliament, very considerable powers, but I should like further power. I will give you one instance, where I think these powers would be advantageous. We are compelled, according to the Act of Parliament, in cases of appeal, to try the case there, and have it settled there and then, at once; that very case with regard to Putney Bridge, which I alluded to in the former part of my evidence, took days and days, and if I had been bound by the strict letter of the law, except with the consent of the parties, and the power of holding a court elsewhere, it would have been impossible to carry that case through; I think that we ought to have more extensive powers.

1431. That is to say, to make any alterations whatever?—Yes, but I would have power under the supervision of the Court of Common Pleas.

1432. Would you give an appeal in every case as a matter of right when a party was dissatisfied with your decision?—Yes, I always do where I can.

1433. But at present it is in the discretion of the revising barrister, is it not?—Yes, to a great extent.

1434. We know that every revising barrister does not act so wisely as you do; would you make it compulsory on the revising barrister to grant a case for another court where a dissatisfied party asked for it?—Yes; I would even go further than that.

1435. And would you leave the costs to follow the event?—Quite so.

1436. I suppose you very often have overseers' lists brought before you in a very imperfect form?—Yes; in a few of the country districts.

1437. You have had great experience of overseers, where they are a superior class of men, have you not?—Yes.

1438. But I suppose that in country districts difficulties arise with regard to the appointments of these men?—Yes.

1439. In such cases I dare say you have found that some of the overseers have omitted to publish the lists in the way required by the Act of Parliament?—Yes; I have just mentioned one case at Kingston.

1440. What do you do in such a case as that?—We should go back in such cases to last year's lists.

1441. I presume you are aware that the overseers prepare the jury lists as well as the lists of voters?—Yes.

1442. And that they verify those jury lists by an oath before a magistrate?—Yes.

1443. And the rate lists are verified also by an oath before a magistrate, are they not?—Yes.

1444. Do you think it would be an improvement on the present state of things if the overseers were required, when they hand in the lists of voters to you, to verify them on oath in the same way as they do the jury lists?—I do not see the necessity for it; the current of the age is to get rid of oaths as far as you can.

1444*. Would you take a statutory declaration in the nature of an oath?—Yes; I see no objection to having a statutory declaration, which would be to this effect: "To the best of your knowledge and belief this list is perfect"; but they are at present liable to fine and action for breach of duty.

1445. Do you think it would be an improvement that the overseer should make an oath, or a statutory declaration, before the revising barrister, that the list delivered by him had been duly published as by law required?—No; there you would be calling for too much, because we are the judges of the law.

1445*. I mean that they should be required to make an oath, or a statutory declaration, that the lists delivered by them had been published, and that they were, to the best of their belief, correct?—I see no objection to that.

1446. But would it be an improvement?—I see no objection to it, at all events.

1446*. You have stated that there should be a revision court held in each polling place?—Yes, I do that.

1447. And you experience no difficulty in finding suitable rooms, I suppose?—I cannot say that; I never hold a court at a public-house if I can help it.

1447*. The Committee have been informed that there is a very considerable number of followers attached to revising barristers' courts?—No, I do not think that that is so. Generally speaking as soon as I enter my court I ask if there are any parties who have any disputed cases to bring before me, and I take them at once; thus I have no great following.

1448. You have been asked whether revising barristers have sufficient powers; I believe that you have no power to compel the attendance of a witness before you?—I think we have; but a circuitous one.

1449. Is it not the practice at present, that if any party requires a witness to appear before a revising barrister he must obtain a Crown Office *subpœna*?—I have never been placed in that position, but I should say that that was the case.

1450. It is very desirable, is it not, that if any persons interested in the revision requires a witness to appear before the revising barrister, they should be able to apply to you for a summons to compel the attendance of that witness?—Yes, I quite agree with that.

1451. You think that larger powers should be given to the revising barristers?—Yes, I think that their powers should be very considerably enlarged.

1452. Did you mention the particular points on which you think their powers should be enlarged?—No.

1453. But

1453. But that is one point with respect to which you think they should have enlarged powers?—Yes, decidedly. As I have before stated, I think we should have stronger powers than we have at present; not in my particular instance, but in some districts it is necessary as to keeping the court in proper order.

1454. Mr. *Pell.*] I understood you to say that you thought it desirable to shorten the length of the register?—Yes.

1455. By eliminating as many double qualifications as possible?—Yes.

1456. Did I understand you to say that it was your practice to do so yourself?—No, I consider that I cannot do it except with the consent of the parties; a man who is legally entitled to be on the register for a dozen qualifications, as the law at present stands, must be there; but I think it would save a great deal of printing, trouble, and objections, and so on, if you would be content to stand for one or two, and to follow out the suggestion of the honourable Chairman of something like successive occupations.

1457. You would hardly recommend, I suppose, that it should be reduced to one qualification?—I do not think I would do that.

1458. But in the case of the Chandos-clause men of 50 *l.* and the twelve-pounders, you would recommend that the twelve-pounders should be placed in the same position as the Chandos-clause men?—I think you must legislate upon that; there is no doubt about it.

1459. Now with regard to the places for holding the revising barrister's court; you have the power to select any place you please, I believe?—No; I think we have to hold a court in each polling district; those districts are selected by the magistrates or the Queen in Council, and then wherever they fix the polling district, I hold a court; it goes through the clerk of the peace.

1460. My question was not with regard to the polling places, but as to the selection of places for holding the barrister's courts; I should like to repeat the question: the selection of those places rests with the revising barrister, I believe? No, it rests with the magistrates, and the magistrate represents it to the Queen in Council, and then the Queen in Council sends her missive to the clerk of the peace, and from the clerk of the peace I ascertain which polling places are named, and I then hold my courts there.

1461. *Chairman.*] But what the honourable Member means is, that you hold a court in and for each polling district; is not that so?—Yes.

1462. Mr. *Pell.*] Do you, in fact, hold a court in each of the polling places?—Do you mean in every parish?

1463. No, in each polling place?—I hold a court at each of the polling districts.

1464. The polling district is an aggregate of parishes?—Yes.

1465. The polling place is a place named by the court of quarter sessions in the first instance, is it not?—Yes, they decide on the place that I hold the court at.

1466. Then do you hold a court at every polling place appointed by the court of quarter sessions?—Yes.

1467. Is it not the practice in your county to amalgamate two polling districts and hold one court for the two districts?—No; I have sometimes to sit from 10 in the morning to 10 at night at one place.

1468. We have had considerable inconvenience, in the county which I represent, from not knowing what parishes the revising barrister will make his aggregate; have you not power to do this as a revising barrister, that is to say, to select the name of one polling place at which you hold your court, and then to publish the names of parishes which are not within that polling district whose claims you require to come up to this court, they being outside their polling district; in fact, do you not create a revising district which is not conterminous with the polling district?—I have never done that.

1469. But have you not the power to do so?—No, I do not think I have the power to do so; but if an overseer, by chance, does not attend me, we will say at Godstone, and makes no excuse, I immediately send him a missive that he attends me at some other place in my district, or be liable to a fine, and, unless he did so, he would be fined accordingly; but I never had occasion to do that; I have had one from Godstone up to Lambeth this year.

1470. But is it not the fact that the magistrates have power to make districts, to name the polling places, and then to name the place at which the revising barrister shall hold his court; have they power to hold their courts elsewhere?—I have never seen nor am aware of that.

1471. How many days' notice are you compelled to give before you hold your court?—I give a very long notice.

1472. By law you are not obliged to give more than 10 days, are you?—That, I believe, is so.

1473. Supposing that is the law, do you not think that great inconvenience might arise to the different political agents from having so short a notice?—As I stated before, I see my political agents within a week or less of my appointment, which is in August; I always have them before me before the 20th of August, and then, as soon as we have arranged the most convenient time for holding the registration, which is, generally speaking, very early in October or late in September, they get about six weeks' notice, and they have an opportunity of withdrawing, or settling, or doing all necessary things at their convenience.

1474. They exchange guarantees, do they not?—Yes.

1475. With regard to the political agents, is it the practice in your country to have one agent for each political party, or one agent for each polling district?—It was formerly the practice to have one political agent for each party; now, since the division, the Conservatives or Tories have one agent for East Surrey, Mr. Chevallier, and for Mid-Surrey, Mr. Hare; and the Liberals have one only, Mr. Sidney Smith who has the City of London register to attend to as well, so that he could not appear before me as often as I could wish, but he sent last year a very efficient person, who is since dead, as his representative.

1476. In counties where the political registration agents are as numerous as the polling divisions, would not inconvenience and trouble be given to the revising barrister if those agents could not know till within 10 days at which revising court they would have to appear?—I cannot conceive such a state of things, they have generally six weeks' notice from me.

1477. That has occurred in South Leicestershire, are you aware of that?—Then I am not surprised at your question.

1478. Mr. *Wynn.*] The list of parishes assigned

Mr. *J. Hurrell.*

20 May 1870.

to each polling place is settled the year before, is it not?—Yes, it is settled for the year.

1479. There can be no mistake with regard to which parish will be revised at a particular place?—No, not the slightest.

1480. Have you any power whatever of dealing with the claimants named on the overseer's list in the absence of any objection?—No, I am excessively jealous of that.

1481. Where there is no objection you put the name on as a matter of course in the absence of the man?—I am excessively jealous of dealing with anything without an objector; I look upon it that the objection is the motive power on which I act.

1482. Can you distinguish at all between the provisions in the original registration statute of 6 & 7 Vict. c. 18, applying to the new claims, and those that apply to the voters already on the register with regard to the objection?—I think this, that one voter is already on the register, and the other has a right to be there; he is *in esse*.

1483. But do you not read the provisions with regard to objections to be identically the same as to new claimants and to voters already on the register?—Yes.

1484. With regard to your own practice, have you ever increased the costs in accordance with the new scale conferred by the last Act of Parliament?—I have never gone beyond 40 *s.*

1485. Twenty shillings is the old scale, is it not?—Yes; but I have never gone beyond 40 *s.*; I must tell the Committee this, my agents have acted with such honour towards their opponents, that I have rarely an occasion to award costs.

1486. You have had no experience of a county which is worked solely by the overseers, who are busy men in the several parishes, without the intervention of political agents?—No; but I should think it must be a great nuisance, for they are often pugnacious folks, and commonly awkward fellows to deal with; the only nuisance I find, is the quarrels between sub-agents and attorneys down in the various districts who sometimes quarrel like cat and dog.

1487. When a voter has been brought up to defend his vote, if the two agents have, so to say, squared the objection out of court, the notice not being proved, have you any power of compensating a man for his attendance because he is brought there by the objector, and the objection is not withdrawn so far as he is concerned, but solely so far as you are concerned?—If I thought that he deserved costs, I should give them to him.

1488. You think that you have that power already, although you have no objection before you?—Then how is he brought there?

1489. He is brought there by receiving notice of objection, but when the agents come to compare notes, they mutually withdraw their own, but they do not withdraw the copy sent to the party who is brought there; what would you do then?—That is a lache on their part, and if they have been guilty of such a thing they are liable to costs.

1490. But can you give the man costs when no notice of objection is proved before you?—I should certainly do it in such a case.

1491. But you have nothing before you to enable you to do that, have you?—I have the voter before me, and he can prove it, and give secondary evidence if the notice is taken from him; he applies to me, and I put him, if it is necessary, upon his oath, and he states his grievance; in that case, I should most decidedly give him costs.

1492. Do you think that you have the power to do so?—I should do it; I show a very great horror of groundless, frivolous, and vexatious objections, and consequently I never have such an objection brought before me.

1493. *Chairman.*] Do you wish to state anything further to the Committee?—Not at present.

Mr. Delabere Roberton Blaine, called in; and Examined.

Mr. *Blaine.*

1494. *Chairman.*] Have you been a Revising Barrister for a number of years?—I was first appointed in the year 1865.

1495. What counties have you been in the habit of revising?—I was then appointed to South Essex and the borough of Greenwich; but when the county of Essex was divided, in the year 1867, into three divisions, I was then posted to West Essex, which I revised in the years 1868 and 1869.

1496. The Committee have heard with regard to the year 1868 that the revising barristers had an immense amount of labour in striking off duplicates caused by the clashing of the 12 *l.* Occupiers Clause with the Chandos Clause?—There has been no end of trouble in my district since the twelve pounders have been on.

1497. Have you turned your attention to the possibility, as well as the desirability, of avoiding that for the future by an alteration with regard to the number of lists and the manner of making them out?—Yes, because I have felt that the intentions of Parliament have been practically defeated under the present system as to persons who ought to have been on the register; from the omissions of many of these clumsy overseers it was impossible to do anything with some of the 12 *l.* occupation lists.

1498. When you use that expression with regard to the overseers, does your experience of that class of persons lead you to believe that they are incompetent to perform the duties imposed upon them?—Utterly and entirely so in many cases in West Essex.

1499. Do you think that it would be well entirely to shift those duties from their shoulders?—When you say entirely, I would hardly say that I should very much prefer leaving matters as much as possible as they are; because we have now had, with the exception of these twelve-pounders, an experience of about 40 years, and the old system is, as it were, ingrained in the various parishes, and therefore I should not like to interfere with it more than is actually essential for the preservation of the interests of the voters.

1500. Do you think that, maintaining the present overseers with their present duties, an effectual supervision might be exercised over them by the clerks to the guardians?—I think so, assuming, which is, I suppose, generally the case, that the clerk to the guardian is an intelligent and fairly educated man.

1501. Is your experience of clerks to the guardians such as to lead you to that opinion of them generally?—I have had no experience of them. My experience in revision has been chiefly with overseers

verseers, but in the case of large parishes, where n assistant overseer is usually employed, I have nt seldom reason to complain of the way in which is duties are done.

1502. But do you think the intervention between you and the overseers of the clerks to the guardians would be a desirable change?—I should ay it is essential, either that he or somebody in is place, should intervene; but perhaps the clerk o the board of guardians would be the best erson.

1503. Do you agree with Mr. Hurrell in deprecating the holding of any court by the clerks o the board of guardians, and in merely considering them as a supervising authority?—Quite so; my notion would be that the clerk to the oard of guardians should have ample powers in sufficient time to call on the overseer of each parish to attend before him with his rate books, because the main difficulty lies with those twelve pounders, and the lists which have been sent him from the clerk of the peace; and then he should act entirely on the instructions of the clerk to the guardians, and give him every information which he may require, so as to enable the clerk to the guardians properly to supervise the overseers' work.

1504. Speaking only of occupiers, do you see any reason why there should be more than one list of occupiers, that list comprising the 50*l.* and the 12*l.* men?—I was entirely of that opinion until the honourable Member to my right mentioned the case of extra-parochial places. That is a difficulty which I had not thought of, but otherwise that change would be most desirable.

1505. Do you not think, with regard to that very necessary suggestion, there might be a special clause in the Act of Parliament for the few extra-parochial places, comparatively, which exist in England?—I think they might be included in other cases; they are very rare, comparatively; but I think there should be only one list of occupiers.

1506. Do you think we might go a step further, and if we could get a better list of owners from the rate-book, that we might have one simple list of owners and occupiers, one column stating the name, and another the nature of the qualification, in alphabetical order, in each parish?—Certainly, that might well be done, provided always that you had the supervision of the clerk to the guardians, or some person in his place, but not otherwise.

1507. The first step, in order to secure accuracy in the rate-book, must be to interest the persons in the owners' column to see that their names are not improperly placed in that column, as they are now, I suppose?—I am afraid that that would be practically useless.

1508. If there was a division of the rates between the owners and occupiers, instead of the occupiers paying the entire rate as at present, persons who are not actually owners would take very good care that their names did not appear on the register, would they not?—Yes, if you gave them that pecuniary interest.

1509. If that were done, would there be any practical difficulty in obtaining accuracy in the rate-book, which accuracy you might transfer to the register?—That would be worth the experiment, it is such an important point.

1510. With regard to the practice of the revising barrister's court, are you of opinion that you have sufficient power in your court?—I think that power might, with advantage, be increased. We have, for example, no power to deal with qualifications, and I have found gross instances of hardship, in consequence of not having such power. I think that we ought to have power to deal with the qualification upon sufficient evidence.

1511. You mean that where there has been a misdescription of the qualification which has been entirely accidental, the voter having a good qualification?—Just so; the voter having a good qualification.

1512. If he had omitted to put in any qualification at all, you have power to insert it, have you not?—No; because how can an objection be founded without some statement of his qualification?

1513. Mr. *Wynn.*] There was a case in which it was held that if there was a total omission in the third column you might do it, was there not?—That is a case where it was the omission of the overseer; there we have the power to do it. I thought the question meant the claimant's omission of the qualification.

1514. *Chairman.*] No; if the description is omitted by the overseer, have you not the power to deal with such a case?—Yes, we have the power to deal with that.

1515. But not with a case of misdescription?—To the best of my memory. If it is an omission of the overseer then I have the power to deal with it, but not if it be an omission on the part of the party claiming.

1516. At all events, you think that the revising barrister should have the power to amend the qualification, provided the evidence before him substantiates the voter's claim?—I think that ought to be given in the interest of the voter.

1517. With regard to the question of costs, are you satisfied with the power which you have now?—Yes, I think entirely so. I perfectly agreed with the evidence of the witness who was examined here this morning, that it might be dangerous to increase that power. Such a case never came before me, but with party feeling running high, you could easily understand a man coming up from John O'Groat's House and claiming expenses. There should be a reasonable limit.

1518. Is it possible to lay down any unvarying rule for revising barristers, or is it, in your opinion, necessary to leave much to their discretion?—I think the present state of things could not be altered to advantage; I should tell you that in South Essex, the year before last, agents were employed on both sides who were both able men; Mr. Hall was on the Liberal side, and Mr. Meggie, for the Conservatives; and although the number of objections was very very large, I do not think I was applied to in more than two cases for costs, and then I was not called upon to fix them; the parties immediately agreed between themselves what they would be satisfied with.

1519. If it is not an invidious question, I wish to ask you have you had many appeals from your decision?—I never had but two appeals asked for; one was from the borough of Maldon, which I immediately gave, and the other I gave leave for, but the parties thought better of it, and did not accept a case.

1520. Has it ever been brought to your notice that other revising barristers have decided cases differently from yourself?—No doubt such things have occurred, and it was my misfortune in the

Mr. *Blaine.*

20 May 1870.

case of the Maldon appeal to have my decision reversed; I was not at all satisfied upon the point raised, and I decided against the appellant; a previous case had been decided, which I thought was distinguishable from that of Maldon; however, the Court of Common Pleas over-ruled my decision.

1521. Do you agree with some evidence which has been given to this Committee with regard to the desirability of extending the time within which claims may be made?—I never heard of any complaint on the subject.

1522. Do you not think that the inconvenience of allowing owners certain privileges to send in claims after the regularly fixed day would be so great as to overbalance any good that could be effected?—I think that it would overbalance any good that could be effected; because persons of that kind are not punctual, and there would be a rush at the last moment, and already, I believe, the clerks of the peace have as much as they can do within the requisite time.

1523. Do you think that a statutory declaration ought to be taken as substantiating a voter's claim, without his being exposed to the test of cross-examination before a competent legal authority?—I heard that suggestion in the room to-day, for the first time, and I entirely approve of it; I think it a capital one. You get over the difficulty of the objections to claimants coming on the register, because you have *primâ facie* evidence of their right to be there.

1524 But do you think that a statutory declaration should be allowed to be put in use without being subjected to the test of a cross-examination before the barrister?—As I understand it, it would be this: there would be a claim in the usual way, and at the foot of it there would be this statutory declaration.

1525. No; as I understand it, it is that a voter, claiming after the time at which other voters claim, should bring a statutory declaration, taken before a magistrate, of his qualification; do you think it would be most desirable that a full examination of that statutory declaration should take place?—Yes, if that plan were adopted; but it would be entirely against my judgment. I thought just now that your question rather bore on the first or original claim; there, I think, that a statutory declaration would be a highly desirable addition to the claim that would enable the revising barrister to have *primâ facie* evidence of a man being entitled to come on the register. I would certainly in all those cases treat the original claims precisely as I would those which came on the register afterwards.

1526. Would you allow costs in those first claims?—Yes, if a statutory declaration had been made, I would.

1527. Would you allow a man the costs of his claim, unless it could be proved that ample notice had been given to any person objecting?—They are bound to give due notice of objection within a given time.

1528. But, supposing both the notice and the statutory declaration, would you not compel notice of that statutory declaration to be given to the objector before you enforced costs against him?—As I understand it, that statutory declaration would be annexed to the claim sent in to the overseer; it would then be common form that the objector would know that the claim must be with the statutory declaration annexed to it.

1529. I think there is no doubt that that would be a better plan; but the original suggestion was, I believe, that, notice of objection having been sent to the claimant, he should answer that by a statutory declaration; but you think that that statutory declaration should be attached to the first claim?—Yes, certainly; I think it would be well, for it would tend to purify the register very much indeed.

1530. Mr. *Brand.*] Are you in favour of a voter being only on the register for one qualification?—Most decidedly; I would beg to call the attention of the Committee to the confusion and annoyance which now exist, especially with regard to list No. 4 of occupiers. A man is in occupation of his own estate; he comes on No. 4 list, and he is on the list of owners, and there one has no Index to turn to; if there is no political agent present to assist you, you may have 50 duplicate names in that way. For every register and every division of a county, I would suggest that there should be an Index; William Hamilton, or whatever it might be, 1,000 or 1,500, and so on; so that you could turn at once to the register. If the register be kept, with a number to each name, by that Index you could at once turn to the man's qualification and see if he was on the register twice or 20 times; in my opinion, every register should have an Index.

1531. In the case of owners of property, it would be quite fair that a man who might hold more than one property, and who might qualify for more than one property situated within one county, to call upon him to choose his qualification, would it not?—Most decidedly. It is idle that the county should be put to the expense of printing no end of qualifications, the revising barrister being all at sea with regard to which name he should strike out.

1532. Mr. *Johnston.*] I will not mention any names; but is it not the fact that, in one of the divisions that you have mentioned as being under your charge, the party action on one side has ceased during the last year?—Yes; last year there was a political agent Mr. Meggy, who attended, acting for the Conservatives; but there was no one on the other side.

1533. Did you find that in that division your difficulties and labours more considerably increased by that absence of party action?—I cannot say that at all.

1534. Because Mr. Meggy was of very considerable assistance to you in tracing out persons, particularly with regard to No 4 list, and those who were on the county list, and so on?—Yes.

1535 Still, a second check on the other side would have been an additional help to you, would it not?—No doubt; in every county considering that Her Majesty's Opposition, for the time being, is said to be, and is, the life-blood of the country, I think that there ought to be an agent on both sides in order to enable the revising barrister to keep the register as correct as it can be kept.

1536. Mr. *Pell.*] Is the revising barrister compelled to hold a court at every polling place?—My practice has been (I never heard the suggestion before) always to hold one's court at each polling place, according to the list. It is the duty of the clerk of the peace to state in the advertisement that the revising barrister holds his court for certain different parishes.

1537. Will you be kind enough to furnish the Committee with the section of the Act of Parliament by which he is compelled to hold a court at every polling place?—It was by sect. 32 of 6 Vict.

3 Vict., c. 18, but since amended by 30 & 31 Vict., c. 102, s. 34.

1538. With whom does the selection of the several parishes to be revised at the court rest? I believe that it rests with the magistrates of the county entirely.

1539. Will you also kindly furnish the Committee with the section of the Act which decides that question?—Upon reference to the Acts I find such section is the first which I have just mentioned. By that, the revising barrister is not only empowered to give notice to the clerk of the peace of the times and places at which he will hold his court, but also of the parishes, lists for which will re-issue at such places. But, in Essex, the practice is (and, as I believe, always has been) to leave such selection of the parishes entirely to the justices, or the clerk of the peace, because they best know what will be the most convenient parishes to select for revision at each polling place. Indeed, it seems to me essential that the practice should be continued, since the law was amended, as to parishes within more than one polling district, by 31 & 32 Vict., c. 58, s. 22.

1540. *Chairman.*] If there is no objection made to any claimant before you, do you consider yourself bound to place him upon the register?—Certainly, if there is no objection upon the face of the claim itself; for example, if a man claimed in respect of some ridiculous qualification, such as blacksmith or wheelwright, and you often have that.

1541. But supposing a claim comes before you, John Smith, freehold rentcharge, and the place of residence is given, and there is no objection raised, do you consider yourself bound to place his name on the register?—Certainly.

1542. Then in the case of a county, where there are no political agents at work, may not the overseer, if he is so disposed, put any number of fictitious claims on the list of claimants, and is not the list of claimants practically at his mercy?—No doubt, and in that case you are helpless; the revising barrister has no power to deal with those claims if produced by the overseer, and they have not been duly objected to; he might be committing an act of injustice if he did so.

1543. Is it within your knowledge that fictitious claims have been so placed on the register?—No, I have never had an instance of it.

1544. That would result from the political agents being actively at work in your district, I suppose?—That may be; I heard from Mr. Roberts upon one occasion, that he had struck no less than 1,200 names off the register. I have heard at least of one case of a man having been personated for years, and that is a strong example of the necessity of employing party agents.

1545. But the main object of registration courts being to get a pure and accurate register, is it desirable that the result should be left to be accomplished by independent societies, apart from the regular machinery provided by the law?—Practically, I do not see how it well can be done otherwise. It would be a great improvement if there were appointed a better class of men, such as clerks to the guardians, instead of the revising barrister so often having most incompetent overseers before him; and then looking at the rate-book and asking, "Has Mr. So-and-so got that property still, or is he dead?" and so on; they would be of great assistance in purifying the register.

1546. You think that that would be a check on the overseers, and a great improvement on the present system?—That is my opinion.

1547. Is there anything which you wish to add to your evidence which I have omitted?—No, I think not.

Friday, 27th May 1870.

MEMBERS PRESENT:

Mr. Henry Robert Brand.
Sir Edward Colebrooke.
Mr. Cross.
Mr. Dodds.
Lord Claud John Hamilton.
Mr. Andrew Johnston.
Sir Harcourt Johnstone.
Mr. Knatchbull-Hugessen.
Mr. Pell.
Mr. Raikes.
Mr. Wynn.

E. H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. JOHN FREEMAN, called in; and Examined.

Mr. *J. Freeman.* 27 May 1870.

1548. *Chairman.*] You are a Solicitor residing in Huddersfield, are you not?—I am.

1549. Will you be kind enough to tell the Committee what has been your connection with registration matters in the West Riding of Yorkshire?—I began very early in life; my first efforts were in the year 1834, and I registered in 1835, 1840, and up to 1844, and then there was a short interregnum after the repeal of the Corn Laws; we began again in the year 1859, and I have conducted, as an advocate, registration in the West Riding, along with Mr. Norris of Halifax, for some years, and on the division of the riding I had the south division entirely to myself for practical work.

1550. Have you read the evidence taken before this Committee, especially with regard to the proposal to constitute a new office to register voters?—Yes.

1551. Do you concur in that proposal?—I do not; I think it would be a very unpopular office. There is a decided objection to the increase of officialism in matters of this kind in our part of the world; I think that the non-possessors of property would object to pay such an officer out of the general rates.

1552. In the West Riding of Yorkshire is there an assistant overseer in most townships?—Yes, in every township.

1553. Do you find any incompetency in those officers?—Some years ago there was, but it is diminishing every year. The only part of the riding in which I could say that there is now any incompetency is in the border townships in the Doncaster district between Nottinghamshire and Yorkshire. The overseers there are very independent men, many of them, and I have known them entirely omit to come to the revision courts.

1554. But in case of their omitting to come to the revision courts, was it not in the power of the revising barrister to inflict a fine upon them?—He has done so, but now I think he will have no further occasion to do it. The fines were not actually levied because the overseers followed the court to the next revision place at their own expense.

1555. Have you had experience of overseers not being assistant overseers, but overseers of the ordinary character?—Yes, I know most of them.

1556. Have they, in your opinion, been generally competent or incompetent to perform their duties?—Some of them are not competent to perform their duties, and some of them are above the work.

1557. Do you think that it would be an amendment in the law, if the clerks to the boards of guardians should be made to supervise the performance by the overseers of their duties?—Those clerks to the guardians are very fully occupied with the duties that they have now to perform. They are not, by any means, all of them professional men. The poor law guardians appoint a clerk, who is not a professional man, for the ordinary duties of the office, and they have to consult a solicitor when a point of law arises. The clerk to the guardians is fully occupied, morning, noon, and night.

1558. The clerk to the guardians, I presume, sits in his office, and is not in the habit of visiting the several parishes?—Never.

1559. Therefore, whatever duties were imposed upon him, he would depend on other people for information?—Certainly he would depend on the assistant overseer, who might as well do it in the first instance.

1560. Would you recommend making it compulsory to appoint assistant overseers in places where they are not now appointed?—Yes, I find them so very useful.

1561. Do you think that the advantage to the ratepayers in accuracy and, perhaps, in other particulars, would compensate for the increased expense caused by the appointment of assistant overseers?—I think so.

1562. The registration of voters is not a very expensive matter on parishes or townships, is it?—No.

1563. You do not think that the increase of expense necessary to the appointment of assistant overseers would be unpopular with them, do you?—Speaking of those districts where I have had most experience, I think the assistant overseer brings the property into the rating, and collects the rates better than an ordinary overseer would. I should say that in some of our towns, such as Leeds, Wakefield, Huddersfield, and places of that kind, the assistant overseers are men of considerable ability.

1564. Do you notice in your experience any difference

difference between the overseers in agricultural districts and the overseers in manufacturing districts?—Yes; the overseers in agricultural districts have much less to do, and it does not require a man of the same capacity; whereas in manufacturing towns the assistant overseers must be men of considerable knowledge; we have some very intelligent men among them.

1565. Do you think it would be possible to simplify the register by a reduction of the number of lists?—I would alter the number of lists in this way; there need be no 12 *l.* occupiers list; I think the 12 *l.* occupation list is quite unnecessary, in fact it is a great inconvenience; they should all be in one list; for instance, suppose this year it was made law that there should be only one list, the clerk of the peace might issue a list of all the property owners, and all the occupiers, alphabetically in one list, and then the overseer should go through them and mark "objected to" opposite to the name of every person on that list whom he knew to have parted with his qualification, whether as property owner, or as occupier.

1566. Now take the case of a property owner first, do you think that without a change in the law of rating which should interest the owner more directly in the rate, you could obtain accuracy in the rate-book, which might be sufficient to make that a good criterion for registration purposes?—You will never obtain complete accuracy for the list of owners; if you divide the rate, half to the occupier, and half to the owner, there are still so many owners behind the scene that you would be only making the owner in possession pay; you may make him pay half the rate when he has not got half the interest.

1567. Are you familiar with the Scotch system?—No, not much. There are so many varied interests in land which do not appear on the surface, and yet are called freehold qualifications, when they are claimed for that no person can put them all on the list of his own knowledge.

1568. But in those cases, and in fact in all cases of owners, would you not maintain the necessity of claiming?—Yes; I think that the owners should all still claim; for instance, take annuities, and rent-charges, and marriage settlements. The mode in which persons become entitled to interests in lands, by all those means, cannot be known to any stranger. In the West Riding I should say, that fully three-fourths, and indeed I might go so far as to say that in 99 cases out of every 100, the ladies marrying have their property secured to themselves. It is so common a thing, in marriage settlements, that they carry it out even when they have no land, and settle their furniture upon them if they have any. The husbands claim as freeholders, and sometimes they will resist the cross-examination for a considerable time until you say, "Did you get this property by your wife?" And then they reply, "Yes." Then the barrister requires the marriage settlement to be produced, and it always turns out that it is for the wife's own use and then for the children's.

1569. Many of those people would be owners who are not ratepayers?—Yes; many of them would be owners who would not come on as ratepayers.

1570. With regard to those owners the rate-book would be of no use as a guide to registration, would it?—None whatever; then there is a system which is limited, but which creates a great number of votes where it exists, in the western parts of our manufacturing districts, such as Saddleworth, Oldham, Manchester, Ashton, and Stalybridge, there is a system of selling land upon chief rents, that is to say, an owner of land will convey, say, a large building plot or a close of land to A. B., his heirs and assigns for ever, giving him an absolute freehold, and not receiving consideration in money but reserving the freehold rents to the vendor, his heirs and assigns for ever; now there the first owner retains an interest of a freehold nature in question, and confers the freehold in possession on the purchaser; I have known that go through four different persons in the same land.

Mr. *J. Freeman.* 27 May 1870.

1571. But in that case the owner who paid the rent would be the possessor of the freehold?—Yes, he would be the possessor of the freehold; but if you made him pay half the rate he could not get a proportion back, because he might only be making 2 *d.* a year, while the other people made 4 *d.*

1572. You mean that the person who received the chief rents should be rated?—You can never assess those persons equitably.

1573. That being the case, is it not probable that some provision might be made in any law altering the system rating which would set that straight?—The only way would be by putting what rate the owner was to pay upon the person who is in the immediate receipt of the rents and profits, and giving him the power of recovering a portion from the holder of the chief rent.

1574. Now, keeping to the manner in which those people should come on the register, there still would be, with regard to the property you mention, one class of persons whom the assistant overseer would place on the rate-book?—Yes.

1575. Therefore, as far as that goes, would it not be the fact that the column of the rate-book would show the proper persons, though not all the proper persons?—It would only show the person who was receiving rent from the tenant.

1576. Might it not be safely left to the other person to send in a claim?—They would all send claims, and they do send in claims, three or four persons for the same property. The first purchaser, A. B., resells to C. D. at 4 *d.* a yard, and C. D. resells to E. F. at 6 *d.* a yard.

1577. They all send in claims, and you would have them all continue to do so?—Yes, I would have them all continue to do so.

1578. But still the fact of their being a class of people who do not appear in the rate-book, and who might be discovered on due investigation of their cases, would not prevent the rate-book being so amended as to be accurate as far as it goes, I presume?—The revising barrister might certify to the overseer at the court of revision that Mr. So-and-so had claimed chief rent out of certain property, and then the name might be put on the rate-book.

1579. Do you think, also, that the political registration societies have been useful in putting the proper persons on the rate-book, and keeping improper persons off it?—Yes; there are hundreds of persons now on the register who would not have been there but for those societies.

1580. And on the other hand, there are hundreds kept off the register who would have been on, but for the political registration societies, are there not?—No; I think, with regard to our northern counties, they are very closely registered up.

Mr. *J. Freeman.*

27 May 1870.

1581. You do not know then, I presume, of any fictitious votes?—Not kept on; I have known them take exceptions; I know a registration agent who sent 11 claims in in one year, and he had not an inch of land in either of those 11 districts; the clerk of the peace told me he found that on the list; and I sent instructions to the agents in each district to object to it; and after he had been taken off on one or two he went off the others as a matter of course.

1582. Mr. *Dodds.*] Were those claims all in one county?—Yes; all in the West Riding of Yorkshire.

1583. *Chairman.*] Will you be kind enough to give the Committee an answer on this point; have you a numerous class of voters with whom the overseers have nothing to do; that is to say the occupiers of room and power?—Yes, we have a good many of them; a man builds a mill, and puts in an engine and boiler, and puts in what is called shafting and everything to give the first motive power, that is, the freehold; and then people bring in their own machinery, and rent the room to put it in, and the power to turn it.

1584. In that case who pays the rates?—The landlord always pays the rates.

1585. In that case those persons would not appear in the list of 12*l.* rated occupiers, I suppose?—No, they all claim; they must claim.

1586. Would that militate against the proposal to do away with the 50*l.* qualifications?—The abolition of the 50*l.* qualification would destroy them, because they do not appear on the rate-book, and they must be left to claim; it is most difficult to ascertain the validity of those votes.

1587. But still, with regard to all those votes, if you can have a proper authority established in the first instance, and a good supervising authority, do you see any difficulty in having one alphabetical list for each parish, with the qualification of the voter placed opposite his name?—I should prefer that, and I think it ought to be so.

1588. Would not that simplify the matter very much?—Yes; the assistant overseers can all do it.

1589. That is to say, the assistant overseers supervised by the clerk to the guardians?—The clerk to the guardians would be useless; it would be supererogation in my opinion.

1590. You would have no one between the assistant overseer and the revising barrister?—The proper person is the assistant overseer; he can turn the list before him into an alphabetical list, and then it is done for ever, because he has only to add what comes in in each year and reprint it.

1591. Then would you appoint those officers to do that work independently of other work?—The parishes would not pay for it, and it would be a most unpopular thing to do.

1592. You would have the assistant overseers in every district to perform the duties which the assistant overseers now perform in certain districts, and then you would give them this duty in addition?—Yes, it would not take them a day extra. With regard to the cost, it has never been very great; for now, before the revising barrister certifies the overseer's bill, the rate-payers who are present in court say, "Before you certify that matter let me see it." Of course the barrister is always very glad to have that assistance. They tell the barrister that this man has charged two more churches or chapels than there are in the parish, or that he has charged four miles when he has only come three miles, and so there is not a shilling of unnecessary expenditure.

1593. Mr. *Dodds.*] Does that refer to the assistant overseers?—Yes; I have seen the overseers come into court and examine an assistant overseer's bill, to see that he has not overcharged.

1594. *Chairman.*] Now with regard to the time of registration; do you agree with some of the witnesses who have been examined before this Committee, that the claims for county votes should be allowed to be sent in up to the very time of holding the revising courts?—No, because it would be impossible to check them.

1595. I suppose you think that would cause confusion, and give greater facilities to fictitious claims?—Unquestionably it would.

1596. Have you in your neighbourhood found sufficient the length of the notice to hold courts in the different districts?—Yes; for many years the barristers were so accommodating that they would send the list beforehand and say, "Will this be convenient to you"?

1597. How many polling districts have you in the West Riding?—Forty-four. We have never tried them; they are only just established.

1598. Is there a court held in each one of those polling districts?—No, only in the revision districts.

1599. Then have you two separate divisions, one for the polling district and the other for the revision districts?—Yes; the magistrates last year decided to do that.

1600. Can you point out the Act of Parliament under which they proceeded in doing that?—Yes; the way in which 13 out of 17 of our present districts came to be assessed as they were was this: the barristers appointed the places which were thought most convenient for the attendance of the voters, not merely the attendance of themselves, but the attendance of the voters; it was under thorough investigation before the West Riding justices last year, and it was thought that those revision districts were nearly as good as they could be made. At first sight, it would seem that a man should always have justice at his own door; it may come to that eventually, and indeed I think it will, but you must look at the convenience of the voters; there is this distinction between revision districts and polling places. Take Sheffield, or Barnsley, or Rotherham; at the time of an election, you are sure to have a row at one of those places now; and to obviate that in future, the justices have provided polling places for some of the colliery districts out of the great towns. It is better that the men should be drawn out of the towns into numerous places in the county, to prevent disturbances; the men in the out-townships work in the great towns, and can always tell at Sheffield when the dinner hour is; the men rush in to prove their qualification for the townships round about Sheffield, where they would have to leave their work for a day and go out into the out-polling places, if they had to have their votes revised there. From 1 o'clock to half-past one the courts are crowded and we take the men indiscriminately; we take whoever is ready first.

1601. But taking for granted that all you say is very right and wise as a matter of registration will you be good enough to point out the Act of Parliament by which discretionary power is given to the magistrate to form revision districts a separat

eparate from polling-places?—They do not do t authoritatively; the revising barrister might ay, "I will hold my court to-day and to-morrow, nd visit you as you please."

1602. Do you consider that the revising barister has power to hold his court where he leases, and to apportion any parishes he pleases to he particular place where he holds his court?—ection 32 of the 6 & 7 Vict. c. 18, says, that the barrister shall, "10 days at least before the holding of the first court of revision, give notice to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes, the lists of and for which will be revised at each of the said courts; and the said clerk of the peace shall forthwith cause public notice thereof to be given by advertisement." The barristers themselves originally fixed the places where they would hold their courts, and for what townships; last year the justices examined them all, and with the exception of four additional ones, they thought them right. The words of the section are, "That the barrister appointed to revise the lists of any county shall make a circuit and hold open courts for such revision at each of the places which now are or hereafter may be, appointed as polling places for such county, and at any other places within the said county which he shall think expedient."

1603. Under this Act of Parliament the barrister is to make a circuit and to hold courts at any place which is appointed a polling-place for such county?—Yes.

1604. The justices appoint the polling places, and apportion the parishes to the polling places?—Yes.

1605. The barrister may also hold courts "at any other places within the said county which he may think expedient"?—Yes; he may hold one at every polling place.

1606. But is he not enjoined in this section to do so: "shall make a circuit and hold open courts for such revision at each of the places which now are or hereafter may be appointed as polling places for such county;" does not that oblige him to hold a revision court at each polling place?—Under that section, he ought to.

1607. Then if you have 44 polling places in the riding, what is the Act of Parliament which enables the justices to over-ride that section, and to provide that you shall only have courts held in 17 districts?—Formerly the process was by applying to Her Majesty in Council, but now it may be done to the justices in general session, without applying to Her Majesty.

1608. But under the 34th section of the Act of 1867 the magistrates are to name the polling places at which the revising barristers are to hold their courts; do you think that that takes away the discretion from the revising barristers?—Yes.

1609. You think that it takes away the necessity of holding a court at every polling place?—Yes.

1610. Now, with regard to the powers of the revising barristers, what do you think of their powers; do you think they should have larger amending powers?—I think that their present powers of amending are considerable; but I would give them power to make all kinds of amendments which did not introduce a new qualification.

1611. Do you have many cases of mortgages coming into the revision courts?—Yes, we have.

1612. Are there many objections on that score?—Not so many as there were formerly. In the West Riding of Yorkshire we have a register office, which is a great public convenience. I give all agents under me instructions not to object for mortgages, unless they are small properties which are likely not to have 40*s.* a year clear; but in ordinary cases of a 1,000*l.* property, it is very outrageous to bring a man into court.

1613. With regard to making a statutory declaration with respect to the title to property, what is your opinion about that?—I do not think that would answer, because persons make declarations and make oath that they are the owners, when cross-examination shows it to be entirely a mistake.

1614. Would you have a man who sent in a claim state the precise nature of his claim more fully than he does now?—Yes, I would.

1615. In what manner would you have that done?—I think there should be much greater precision in making claims than there now is.

1616. Do you think that that would reduce the number of objections?—Considerably so.

1617. What is your objection to a statutory declaration made before a magistrate, who might be supposed to take some pains in investigating the matter?—The man would make a statutory declaration exactly in the same way as he now signs a claim. There are a great number of misstatements made without any intention to defraud; they make claims to freeholds which they do not possess.

1618. Is that from ignorance of the legal points involved?—Yes; whether they are freeholders, or copyholders, or leaseholders, or people who have no interest at all.

1619. You do not think that a statutory declaration would be any protection to the voter in securing him against frivolous objections?—No.

1620. Do you think that objections are now frequently made in a frivolous manner?—Some are; but in other respects I think we are very much improved; I recollect an instance of a person who had gone to Scarborough for a month's holiday with his family, and he gave his servants a holiday and closed his house; he was a very respectable man, and yet those people objected to him for non-residence, and change of residence; they did not do that because they thought it was some person of no moment who could get over it, but they did it to a man of position.

1621. Simply to cause him inconvenience I suppose?—Simply to cause him inconvenience.

1622. Would not the barrister always give costs in such cases?—Now he would, but then he had not that power.

1623. Do you think that the revising barrister should have the power to give more costs than he now can give?—He can now give 5*l.*, which I think is as much as he ought to give.

1624. Do you think that the costs should follow the event in all cases?—Not under the present system; but if you make the claims more specific, then I would make the costs follow the event.

1625. Then with regard to the withdrawal of notices of objections, have you anything to say on that point?—I would have them legalised.

1626. Is it not legal now to withdraw a notice of objection?—A man is not bound to take a

Mr. *J. Freeman.*

27 May 1870.

notice of withdrawal; he comes to the barrister's court and claims expenses, because he says he knew nothing about it.

1627. But in that case, if the person who signed the objection could prove that he was the same person who had signed the notice of objection, and could prove that he had signed, or duly served on the voter notice of withdrawal, would not the barrister refuse the expenses?—Not always; he has a discretion, and uses it.

1628. With regard to that discretion which is invested in the revising barrister, within your experience has that discretion been exercised in a manner which has given satisfaction?—Yes; I may say that more costs were given last year by far than any previous year, but I do not know of any decision on either side which I could question.

1629. Now about duplicates, have you many duplicates on your register at present?—We have.

1630. What is your view with regard to a person having his name on the register many times over?—My opinion is that the barrister should have the power to strike them off, if on more than twice; I think that the voter should have two qualifications, in order that he may part with one during the year, without being disqualified.

1631. You would give him two freehold qualifications?—Yes; or if he is an occupier and a freeholder, I would give one for each.

1632. With regard to a voter polling in his own district, do you think that he should be made to poll only at the district nearest his residence?—A non-resident voter should be allowed to poll at the most convenient place for him, I think.

1633. But speaking of persons within the county, what would you say?—With regard to persons within the county, I think they should poll either where they live, or at the place of qualification.

1634. And with respect to persons out of the county, would you allow them to choose their polling place as they do now, or would you have them vote at the polling place nearest their qualifications?—I would give that discretion to the voter, he knows which is most convenient for himself.

1635. You do not think that personation would be avoided by causing a person to poll at the place where he is most likely to be known?—It is better he should poll at the place where he is most likely to be known.

1636. Have you many cases of personation in your district?—We had a few at the last election; but with regard to persons who are to claim hereafter, for several qualifications, I would have them enter their claims first, second, third, fourth, fifth, and then treat the claims like bills of exchange, honour them up to the second, and strike out the rest.

1637. Could that be easily done, under the present system, or would it improve a great difficulty on the revising barristers?—No difficulty whatever; we know the double entries, as well as possible. I know a gentleman, whose vote I was supporting, who must have been on at least four times, and when he came up to prove his vote I said, "Do allow me to strike out two of them, for if there comes an election I shall have to send out four circulars with four stamps, and get no answer to some of them." "No," he said, "I have four rights, and I will stick to them."

1638. Do you think that a man, who has a qualification secured to him, ought to have the right to put the country to the expense of printing, and the candidate to that expense in sending out circulars?—Certainly not; and it is a very great expense to the county.

1639. It is no doubt the case that you know the duplicates very well, because you are at the head of a well-organized society; but would it not be different where those political societies did not exist?—Where those political societies do not exist I would bring them into existence; the more specific you can make the law the more certain it is to be carried out.

1640. Do you think that the assistant overseers could so compare notes that even if there were no political societies there would be no practical difficulty in getting rid of duplicates before the revising barrister?—Not so well as under the present system, because the assistant overseer only knows the district where he acts; but in the organised system which we have it is different; for instance, I, myself, going through an old list with the gentleman on the other side, have met with the same men over and over again, and we strike them out.

1641. Do you not then come to this, that there would be a difficulty in striking off duplicates but for the existence of political societies, which exist independently of the law?—Yes, there would be some difficulty.

1642. But not an insuperable difficulty?—Not an insuperable difficulty, if the revising barrister had the power of striking them out when he is shown it is a triple entry.

1643. Would you give him that power?—Yes.

1644. Now, with regard to the assistant overseers, I need hardly ask you whether you would give them power to hold any court of inquiry, as has been suggested?—No.

1645. You would have them simply send straight to the revising barrister the list they have?—Yes; the revising barrister is decidedly the best authority, in my opinion; I think there would be a disposition on the part of the overseers to give and take; one would say, "This is my man, and that is your man;" they would make a bargain, and you want authorised men of position to settle those things.

1646. Do you think it necessary to alter the law with regard to the revising barrister giving an appeal from his decision; would you compel him to give an appeal?—That is a very difficult question to answer, because there are some gentlemen who are very much given to appealing if they are allowed to appeal, and where there is no occasion.

1647. But somebody would have to pay for the appeal, I suppose?—Somebody would have to pay.

1648. Would not that work its own cure?—I think it does.

1649. But still you would prefer to leave it to the discretion of the revising barrister, as it is now?—Yes, I think so; I have been concerned in several appeals, and I never had one refused; it is always granted to me.

1650. Mr. *Cross.*] Will you be kind enough, as shortly as you can, to state in order the different steps at present required by law in forming the list as presented to the revising barrister?—The first step is that the clerk of the peace sends out a precept to the overseers according to the form

rm originally inserted in the Reform Bill, and so in 6 & 7 Vict. c. 18, and I think that that gives the overseers all the information which is necessary to enable them to publish the notices required by the Act of Parliament. They give that notice according to Form 2. The next step is that the claims are sent in according to Form, No. 3. I think that that form should be very materially altered. I think I have stated that the claim sent in should be required to describe the nature of the qualification in respect of which a man claims. It is a common practice to send in a claim for "freehold houses" or "freehold houses and land," and that is expected to cover all kinds of latent interests which give qualifications, but which are not known to the public. I think that the third column should set out the nature of those latent interests.

1651. You have now taken the whole of the matter up to the time when the list is prepared for the revising barristers?—Yes, up to the time when the list is prepared for the publication of the claims, and then come the objections. Now the principle which I think should be applicable to claims has been adopted in Mr. Dodson's Act of 1865. There the objector is required to state to which of the columns he objects, and he is required to say, "I object to the nature of your interest," when he objects to the property in any way. I think that should be applicable also to claims, and that the claimant should be required to say what the nature of his interest is, in the first instance, and then he is entitled to claim for costs.

1652. The first list that is actually printed is a copy of the old register, is it not?—Yes; it is merely a copy of the old register.

1653. Would you have that altered in any way, in the first instance?—As I have already stated, I would only have one list alphabetically arranged, comprising both the property holders and the occupiers in one list, and the overseer should be required to write the words, "objected to," when he knows that the 12*l.* occupiers are disqualified, in the same way as he is required to write the words "objected to" against a property holder whom he knows to be dead, or when he knows that the property is sold.

1654. When a person first makes a claim, would you, in all cases, make him prove it?—I think he ought to prove his claim once, but I think that the question of costs should be left with the revising barrister, even then; it has been the rule that every man must prove his qualification once, and not be entitled to the costs; but then there are hundreds of persons who are notoriously qualified; I have known people with 5,000*l.* or 10,000*l.* a year objected to the first time when they have put their names on the list.

1655. You would not have it as a universal thing, I suppose, that a man should claim in the first instance?—Yes; he must claim in the first instance.

1656. But you would not compel him to prove his claim?—He must prove his claim once, but the question of costs should be left to the revising barrister, because he would be perfectly justified in giving costs in some cases, when in other cases he would not.

1657. Do you think that a man must come and prove his claim in the first instance, whether he is objected to or not?—No.

1658. But when a man is once on the register, then you think it is quite right if he is objected to, and the objection fails, that costs should be given to him?—Then he comes under the Act of 1865.

1659. With regard to a statutory declaration; if such a provision is passed, do you not think it would be necessary in the declaration to negative the fact of the property being held in right of a man's wife, and its being mortgaged?—Yes.

1660. And that he has not claimed with regard to the same property elsewhere?—Yes.

1661. That would make a very complicated statutory declaration, would it not?—Yes, it would; and it would subject many honest men to imputations when they come up to the revising barrister's court and find it is all a mistake.

1662. In practice the man would sign that as he signs a claim, you think?—Yes, he would sign it, just as he signs his claim.

1663. Could you give the Committee any knowledge of the expense of revision in the counties that you are acquainted with?—I have had nothing to do with the money matters. Mr. Dudley Baxter is the secretary, but I understand this is the most expensive year we have ever had, and it is under 700*l.*

1664. Mr. *Dodds.*] That is on one side only?—On one side only. It would be about the same on the other side, no doubt.

1665. Mr. *Cross.*] I believe in the West Riding of Yorkshire you have a complete system of registering property?—Yes.

1666. Is that a great advantage in the registration of voters?—Yes; so much so, that I wonder any other county is without it.

1667. Will you be kind enough to explain the nature of that system of registration to the Committee?—The Registration Office of the West Riding of Yorkshire is in a state of very great perfection. In my early time I have known cases where I have had to search for two or three days for one title; it would be a very long title indeed that took three hours now. The system is this: the deputy registrar has ledgered every title; suppose you want to know to-day what is the state of the title-deeds of Mr. John Smith's property, you may telegraph down there and you will have an answer back in the afternoon.

1668. Would all those latent freeholds appear on the list?—Some would, and some would not.

1669. I need hardly ask you if you think it would be a great advantage if the same system were introduced into other counties?—Yes; I do not understand how the landowners of England have neglected their interests so long in that respect.

1670. The Committee understand that it is not lawful for a man to vote after parting with his qualification?—He may vote, but he is liable to be struck off.

1671. There is no penalty, then, I suppose?—No.

1672. In your opinion, ought a man who has parted with his qualification to send notice of the fact to the clerk of the peace or the revising officer?—I think that when a conveyance of property is completed, there should be notice sent to some public officer, especially where there is no register.

1673. Would you impose a penalty on a man who kept his name on the register after parting with his qualification?—No; but I would deprive him of his vote; and if he voted, I would impose a penalty.

Mr. *J. Freeman.*

27 May 1870.

1674. Would you make it a misdemeanour?—No; that is going too far, I think, because in times of excitement men do strange things; but I would impose a pecuniary fine.

1675. Now will you kindly take the Bill of the honourable Member for Stockton in your hand for a moment; what is the first clause in that Bill to which you have any objection?—The 4th clause; it says, "All notices of objection given under the Act 1843, or the Act of 1865, other than a notice to the overseers, shall state specifically the grounds of objection." Now I think it would be very invidious indeed to put on the face of those notices which go through the post, and through the hands of strangers; specific objections which are sometimes fairly, but often unfairly, made to those votes.

1676. It would be unfair to the parties to give public notice that the land was mortgaged for instance, you think?—Yes; when a man receives notice of objection, he knows what is meant, but it would be very inconvenient to him if all the little facts in his title were stated in a notice served on him by a bailiff or a clerk.

1677. When you come to object to a man before the revising barrister, you do not cross-examine him straight out about a mortgage, but hint it delicately to him, I suppose?—I never ask a man whether his property is mortgaged, or not, if I can avoid it; I communicate with the advocate on the other side, and ask for the net rental.

1678. You think that clause 4 would be objectionable on the ground of publicity, and that it would practically be offensive to the claimant?—Yes.

1679. Have you any other ground of objection to the 4th clause?—With regard to the last paragraph, "And in case of an objection to column 2 of any register or list, it shall only be necessary for the person objected to, to give evidence of his place of abode." Well, according to the present law, he is not required even to do that; he has only to send a communication to the clerk of the peace, who is bound to hand it to the revising barrister, and the revising barrister alters it, though there is no objection.

1680. You see no reason for that part of the clause being introduced into a new Act of Parliament?—No; it is unnecessary, there is more already in favour of the voter than the clause gives.

1681. Would you give the revising barrister power to revise or amend notices of objection, provided, in substance, they were right?—Yes.

1682. Would you give him much more power than he has?—When a man objects to the right or claim of another man, he should know what he is doing; I should not give much facility to correct a bad notice.

1683. Not in substance?—No.

1684. But I suppose you would in form?—I would.

1685. Have you any other objection to the 4th clause?—Yes; with regard to column 2, I would say that the barristers are always furnished with a declaration, and it is much easier for a man to send a declaration to the clerk of the peace than to attend to give evidence of his place of abode. What we actually do, is at the commencement of the revision; we sign admissions, we always admit the second column to be amended without notice. We do not give people the trouble to come and prove their change of residence.

1686. Will you now proceed to the 5th clause; what have you to say to that?—I think that the revising barristers having the power to award costs up to 5 *l.*, is quite as large a discretion as is ever used, or likely to be used. I never knew so much to be given. The course pursued is to award a man what he has lost by coming to the court; if he has lost a day's wages to pay him a day's wages, or if he has employed a man to act in his absence to pay that man; and the barrister generally allows a little over for refreshments; but it never comes to anything like 5 *l.*

1687. Will you now take the 6th clause; what objection have you to that clause?—I see here the words, "Provided that no new qualification be inserted." It would be inconvenient if a man claims for a freehold, and comes and proves a leasehold; but all the rest the revising barrister has already power to do.

1688. Have you anything to say with regard to clauses 7, 8, 9, and 10?—With regard to clause 7, which states that "the overseers and clerk of the peace respectively, shall supply copies of every list to any person applying for the same, either personally or by post," every man would be very glad to have copies supplied, but the question is whether the county should pay the cost or not of printing those lists.

1689. You think that a man should be called upon to pay a small sum?—Yes; I do not consider it right to put it as a personal privilege; it is a right which he derives from the ownership of property, and is as much a right attached to that property as an easement; he gets it with the property, he loses it with the property, and he ought not to call on the public to defend it in any way.

1690. Now as to the 8th clause, what have you to say?—"The overseers, or one of them, shall, at the revision, make oath before the revising barrister that the lists delivered by them are, to the best of their belief, correct." The barrister may have that power if Parliament thinks right; but I never saw a fraudulent list, the overseers will swear to the lists at any moment.

1691. We know that the overseers very often make mistakes in the jury lists, which have almost led one to suppose that there is fraud; is not that so?—It may be so, because if there is any little leaning or interest, he will do it in the matter of juries; some men give false representations, because going on juries sometimes takes two or three days.

1692. Are you afraid of anything of the same kind happening on the overseers' lists?—No, I think not; I do not think that the overseers do practically favour one man more than another, that is to say, they fulfil the law; if the overseer be favourable to one side, he will answer all the questions put to him by the agent on the other side; but when the agent of his own side comes, he will tell him everything else besides.

1693. Do you think that assistant overseers are often biassed by party feeling?—Yes, I should say so.

1694. Have you anything to say about the 9th clause?—The 9th clause says, "The rate-book shall be open to the inspection of any ratepayer, or of any person authorised by any ratepayer." It is so now; I can go and look at the rate-book of my township without paying anything; I can do it under the Poor Law Act; he has no right to ask me what I want it for.

1695. Now with regard to the 10th and 11th clauses?

clauses?—The 10th clause says, "The barrister appointed to revise the lists of any county shall hold a revision court at each polling place." That would be inconvenient, because it would deprive of their votes many of the voters who live in the neighbourhood of large towns, being qualified in the out-townships, they being at work in the towns; therefore, a man must either give up a day's work, or lose his vote.

1696. Do you not think that the 11th clause might lead to personation?—Yes, I do; I have already stated so; the nearer a man is to his own place of abode the better. I do not think that many people in Yorkshire would do it, because they would not like to be said to be sneaking away from the place.

1697. More especially, I suppose, if the votes were taken in secret for the future, when it would not be so much to the interest of the parties to attend?—Just so.

1698. You mean that they would not choose a place of polling away from their place of abode?—I think they would not; they are very gregarious people, and like to vote among one another.

1699. Mr. *Johnston.*] Is much use made of the power of statutory declaration given by section 10 and 11 of the Act of 1865?—There is considerable use made of it, but not so much as there would be, if it were not for the arrangements that the advocates have on each side; that is to say, to take their own word. Suppose 40 persons are objected to for change of residence. We say, "Here are all these persons objected to; you must take care to have your addresses on your brief." I say, "I object to this gentleman, because he is on the second column," and the barrister makes the alteration; we never give the people the trouble to do it.

1700. Besides certain owners, already mentioned by you, who are not at all likely to appear in the owner's column in the rate-book; take the case of firms, with a good many partners, owning property in distant counties; would it not be extremely improbable that all the partners in those firms should be correctly registered without making claims?—Yes; because you do not know who the partners are. We want a registration of partnerships, we feel the want of that very much in manufacturing districts.

1701. Unless all the owners could be registered by a self-acting process, without claims, it would not be desirable to have any so registered, would it?—It would not; you cannot register the members of a firm, because you do not know the partners, unless they claim.

1702. Mr. *Brand.*] You stated, in answer to the honourable Chairman, that in your county there is a great objection to the increase of officialism?—Yes.

1703. Has not there been a considerable degree of bitter feeling aroused by the fact that registration is dependent on party action?—It depends on party action; but that party action rarely appears; you cannot tell that there is any in the registration courts; all the party action consists in raising the funds for the payments of persons conducting the registration; no one ever appears more than in any other court.

1704. But do not the registration associations generally consider that they have a claim to the vote which they have substantiated?—No, they do not consider they have that claim; they register a man because he is on their side, but they only do it with his consent; there are some who sign claims for other persons.

1705. I suppose you would not take the trouble to assert the claim of any person who would not give your party his vote?—The agents under me frequently register men who are on the other side. In one very large town the two officers are on such terms, that if a man is not on the register, and the agent of his party is not in, the agent on the other side will give him assistance; it is very fairly done.

1706. But they prefer to put persons on the register who they think will vote on their side, do they not?—Yes; they do not look up those who are likely to vote on the other side.

1707. Do you think it is desirable that the register should depend on those party associations?—I think it is better done in that way than it would be in any other way.

1708. Even if you could have a superintending officer, whose duty it should be to look after the register, do you think that would still be the case?—If you could have a superintending officer, who was a perfect man, and whom people would agree to pay as such all the year round, it would be very difficult then for one man to do it; we have 20,000 voters, or, at least, we are fast approaching that number now; one person would never be able to do it; our district extends over, from Thorne to Lancashire, nearly 100 miles.

1709. But do you not think that a sense of duty would keep him from indulging in party bias?—No; I should not mind that so much; but I think it is more than one man can properly do, and that it is much better done as it is.

1710. The evidence of a former witness (I think it was Mr. Baxter) proposed that the assistant overseer should be the officer for registration purposes; that he should be an officer of the union, and not of the parish; do you agree with that?—Yes, the assistant overseer is the person who does it now, but the union officer I believe was proposed by Mr. Baxter, that is to say, the clerk to the guardians; if he is clerk to such a large district as ours, he could not do it; he must get it from the assistant overseer.

1711. I see Mr. Baxter proposed that the assistant overseer should be under the clerk to the guardians, and that all practical work should be done by the assistant overseer; do you see any objection to that?—I do not see how they would do it better than the assistants now do.

1711*. Mr. Baxter proposed that the assistant overseers should still do the practical work, but that there should be an officer over them, namely, the clerk to the board of guardians; what do you think of that proposition?—The clerk to the guardians could not form any check upon them, because the information is all with them.

1712. But the clerks to the guardians could meet together in the course of the year, and compare lists, and thereby the duplicate qualifications might be more easily struck out, might they not?—Practically, that is done; because, when the assistant overseer attends in court the different townships appear, and the various advocates know all the double entries; and then we ask the overseer, "Is this a double entry"? and he says, "Yes." We know them all, but we cannot strike them out, until the revising barrister has given power to do so.

1713. But all this work now comes before the revising

Mr. J. Freeman.

27 May 1870.

revising barrister, does it not?—Yes, and it always must.

1714. But if the clerk to the guardians was an officer to the union, and the assistant overseers were under him, this work could be done by the different clerks to the boards of guardians, could it not?—It would first of all have to be done by the assistant overseer; then it would come to the clerk to the guardians; and then the clerk to the guardians would have to sub-divide the list again, and send back to each township what he had obtained from it at first.

1715. But if you strike out every list of qualifications, except one, all this work must come before the revising barrister, under your plan, must it not?—Yes.

1716. How many days do you think it would take for the revising barrister to strike out the duplicates?—It would not take more than 10 minutes for each township.

1717. Do you mean that it would only take that time even if you had not an alphabetical list?—Yes; the great trouble in the list is the 12*l.* occupiers; I know that two days instead of one were occupied last year in one revision court; but striking out the duplicate entries is a very small thing.

1718. You think that a central superintending officer for each union would not be able to save much trouble to the revising barrister, and to the voters themselves?—It would not save anything to the revising barrister, because he must strike the duplicates out, and it does not matter on whose suggestion he strikes them out.

1719. But there are small questions, are there not, with regard to matters of fact, and not questions of law, which might be decided by the clerk to the guardians, so as to save the revising barrister a good deal of trouble?—Yes; but I should not like to be subject to the decisions of the clerks to the boards of guardians, in the absence of both sides.

1720. Not with an appeal to the revising barrister?—That would be more trouble still, because you would have, first, a private revision, and you would have to find out the grounds of objection, and then make a brief, whereas we have now no brief; we strike out scores of names, where the party knows nothing about it.

1721. Would there not be a certain harmony in the proceeding?—No, there would be a great deal of confusion, practically.

1722. You stated that it was impossible to check the register if persons were allowed to send in claims up to the day of revision?—Yes.

1723. On what ground would it be impossible to check the register?—On this ground, that there is a great distinction between a borough vote and a county vote. In a borough you may send in an objection to a man's claim up to the very time; but suppose you send in a claim for a life estate or a rent-charge when the barrister is sitting, and the property out of which the claim arises is four miles off, and you do not know anything about it, what can you do with it? You have no information about it.

1724. But if a claimant was called upon to prove his qualification in the first instance, would your objection still hold good?—The objection to sending in claims up to the time of the revising barrister sitting, is simply grounded on the impossibility of checking it; a great many people would go on the register who had no right to be there at all. Take, for example, the case of that man who sent in 11 claims; he would have been sure to creep into two or three.

1725. It was proposed by one of the witnesses that every claimant should send in a statutory declaration affixed to the claim, and that that declaration should be considered sufficient proof of the claim; do you see any objection to that if the declaration might still be challenged?—If the declaration was challenged, the declaration would have to be gone into and investigated by the barrister; but he would be without the materials for a decision.

1726. You have also stated that persons might possibly sign those declarations believing that they had certain property which they did not possess?—Yes.

1727. Is it not the case that an affidavit is often received in the Court of Chancery on questions affecting thousands of pounds?—Yes; but those affidavits are answered by an affidavit in reply; it is one of the greatest nuisances in the Court of Chancery, and one that I think ought to be amended directly. You go into the court; you find an affidavit there which you never expected to find, and you have no opportunity of answering it unless you get the court to give you an adjournment.

1728. Do you think that there would be any objection to a man sending in a declaration like this: I, So-and-so, owner of such and such a property, of such-and-such a value, "I hold it in my own right, and not in right of my wife, and it is not subject to a charge"?—There are many persons who think that their property is not subject to any charge, when it is legally so.

1729. Your opinion is, that even if you put the objector in as good a position as the claimant, by letting the objector object to any claim without notice after a certain date, there would still be a great objection to allowing persons to send in claims up to the day of revision?—Yes; I think there should be a day after which you cannot send in a claim. The clerk of the peace's precept issues on the 1st of June, but it does not prevent people sending in claims to the overseer, who is bound to receive them all the year round; there is no decision, but there is nothing to prevent it; the claim is an official document which the overseer is bound to produce.

1730. That point has not been decided yet, has it?—No, it has not been decided yet. But I think on principle, all official papers coming into the hands of the overseer, he is bound to use according to law.

1731. You were asked whether persons should be obliged to poll where their property was situated, or where they resided, and you said, I think, it was not of much moment which they did?—I would leave that to the discretion of the owner. Unless he asks to vote at his place of residence, he must vote at the place of qualification; but he has the privilege of being "starred," as it is called.

1732. But is it not a fact that a voter might be better known at his place of residence than where his property is situated?—Yes, and he generally votes there; as to the place of qualification, some people actually postpone looking at their property until the election day.

1733. But if the ballot were made law, where do you think a man should vote?—If the ballot were made law, it is more likely that he ought to vote where the qualification is, because people know that such a property belongs to such-and-such

such a man; but if he only votes at his place of residence, no one knows anything but that he is Mr. So-and-so.

1734. Do you find that you have many fictitious claims sent in for rent-charges?—No. All rent-charges are registered at Wakefield, and we can check them.

1735. Is it not desirable that a voter should make a declaration that he had received his rent up to a certain time?—He always does.

1736. When does he do that?—Before the revising barrister. He sends in his claim for a rent-charge, and the statute requires that in the 4th column he shall put the land out of which it arises, and whose it is; that is a very good principle.

1737. Would you propose to have that question put to a man at the poll?—I would have the 3rd column made more specific as the 4th column is.

1738. Sir *H. Johnstone.*] Do you not consider that to prevent personation, the voter should not only elect by which qualification he will claim his vote, but that he should also poll where his qualification is?—I prefer his polling where the qualification is.

1739. Do you not think that he should positively elect in his own handwriting the qualification by which he claims his vote?—That would be very much better no doubt.

1740. There would be no possible difficulty in it, would there?—None perhaps; but it would be a pity if a man has two qualifications to say, "You shall only use one," because if it were a 50 *l.* tenancy, he might leave or receive notice to quit, and then his freehold comes into action.

1741. But in all probability he would know whether he was going to leave or not, would he not?—No; he might have notice to quit.

1742. Do you consider that a voter in Yorkshire would be foolish enough to make a statutory declaration of the qualification which entitled him to vote in total ignorance of what he was doing?—We see very strange things; men sign documents, and make declarations, believing that they are right; a person comes to a man and says, "Will you sign this declaration; it is the last day for the registration; you are a freeholder?" The man says "Yes," and the man signs the declaration.

1743. Do you not think that Yorkshiremen possess the bump of caution too strongly developed for that?—It is what happens to all men at times, to make mistakes; and I do not think that there is any great solemnity in signing a claim. Men engaged in business do not like to be troubled, and I have seen many of them rather forego the right to claim, when on the top storey of a mill, than come down.

1744. But that statutory declaration would be made before a magistrate, and not in the street, would it not?—The more trouble you give a man the less likely he is to make a claim.

1745. The object of the Committee is to save expense to the candidates in registration, I presume?—The candidates do not pay any great part of the expense, but in Yorkshire there is a subscription of private gentlemen.

1746. What means is there within your knowledge of saving candidates for counties the enormous expense which they and their friends are put to for registration purposes?—I do not know that the expenses are very enormous.

1747. Have you not heard of those expenses amounting to thousands of pounds?—No, it never happens in our place.

1748. I mean in the course of years, between one election and another?—If, in one year, you spend 600 *l.* that in four years would be 2,400 *l.*

1749. Mr. *Dodds.*] Those are the expenses on one side?—Those are the expenses on one side, but it is distributed over a great many gentlemen.

1750. Sir *H. Johnstone.*] The expenses do amount to thousands of pounds then?—If you spread it over a number of years it amounts to thousands of pounds, but for one year it is not so much.

1751. Supposing the Parliament last five years and you spend 700 *l.* on each side in registration expenses, that amounts to 3,500 *l.* on each side, does it not?—If you consider that you have 20,000 voters to revise, 700 *l.* a year spread over that number is not so much for a large county, I think.

1752. Mr. *Dodds.*] Do you not think that every facility should be given to persons who are entitled to vote, to have their names placed on the register?—I do.

1753. Should not that, in your opinion, be one of the great objects of Parliament in this question?—Yes, unquestionably; and it is with that object that I have given my views.

1754. You are acquainted, of course, with the machinery existing under the Union Assessment Act?—Yes.

1755. That system is mainly carried out through the overseers in the various parishes, is it not?—Yes; the overseers and boards of guardians.

1756. The overseers, or assistant overseers, where assistant overseers exist?—Yes.

1757. Did I understand you to say that in every township through the West Riding of Yorkshire (in your division of it) assistant overseers have been appointed?—Yes.

1758. In every township?—In every township.

1759. Are you aware that that does not prevail generally throughout the county, and that in many cases there are no assistant overseers at all?—I know that in other counties there are not assistant overseers, but it is a pity; I think they ought to be appointed as a saving to the ratepayers.

1760. But in a small township where there are only 10 or 15 ratepayers, is there any great necessity for an assistant overseer?—I can give you an instance of a township, near Huddersfield; there are more than 15 ratepayers, but not many poor people. I was going to promote a railway Bill for the London and North Western Company, and I wanted to know the value of the land, and I went to the overseer and said, "Will you let me look at the rate-book;" he said, "We have none;" then I said, "I want your valuation;" he said, "We have no valuation;" I said, "Are you not aware of the Assessment Act;" he said, "We do not care about the Assessment Act here;" I said, "How do you relieve your poor;" "When anybody wants it we meet together and sam it up."

1761. Is that township in your district?—That township is in our district.

1762. That is, perhaps, an exception to the rule which you have just stated, with regard to the assistant overseers?—There is an overseer there, and I dare say there is no assistant overseer; but that is the only instance I ever knew.

Mr. *J. Freeman.* 27 May 1870.

1763. Notwithstanding that system which you say universally prevails, you find there is a township of that character?—The land all belongs to the Earl of Dartmouth, and the Earl of Dartmouth is a very kind, good man, and I dare say there are very few poor people there at all.

1764. I do not suppose that it is at all a question of the desirability of having assistant overseers; I only wish to ascertain whether it is the fact that there are townships even in your district where there are none?—There is that one; but there is not another, I think.

1765. Now is it not the fact, that overseers are brought in contact with the clerks to the boards of guardians in connection with that union assessment?—Yes.

1766. Is not the clerk to the guardians, who is usually the clerk to the assessment committee, the chief officer connected with that assessment in his union?—With the assessment? No; the assistant overseer looks after the assessment.

1767. And then the assessment is brought under the consideration of the committee of guardians?—Yes.

1768. Is that done through their officer, the clerk to the assessment committee?—Yes.

1769. Thus the clerk to the assessment committee has the supervision over the overseers to some extent?—I think he has not any supervision over them; he receives the information which he wants from them, and they are responsible to their own townships for its being correct; but the clerk to the guardians has no supervision over the overseer; he must take what the overseer returns.

1770. But does he not, from the returns in the various townships, compile the assessment lists for the poor of his union?—Yes, I believe he does.

1771. When appeals are made, or when corrections are made with regard to any list in any township, those are done through the medium of the assessment committee, whose officer the clerk is, are they not?—The appeals are all necessarily in the first instance made to the assessment committee.

1772. Whose officer the clerk is?—Yes; if facts are wanted, the assistant overseer supplies them.

1773. But notwithstanding the extent to which you have assistant overseers, it is found necessary to have a central officer, is it not?—It is found necessary, for poor-rate purposes, that the board of guardians, who represent all the townships, should have some person to carry out the resolutions, and so on, of the board; but he does not know anything about the local circumstances.

1774. But does not every vexed question which arises upon the assessment list for any particular township come under the cognisance of the assessment committee, whose officer the clerk to the guardians is?—Certainly.

1775. If it should happen in some parts of the country that at least half the townships are without any assistant overseers, having only ordinary overseers, would it not alter your opinion with regard to the desirability of having some supervision?—If there were no person locally placed, capable of making out the necessary lists, or giving the necessary information, some one else must do it, but in my opinion it would be better to have assistant overseers appointed in that case. If you throw on the clerk to the guardians the additional work which the union would give, he could not do it in our great unions, they are not professional men generally speaking; Leeds, for instance, has a non-professional man, and Huddersfield has a non-professional man.

1776. But those non-professional men are necessarily from their avocations, almost better acquainted with parochial law, that particular branch of the law which it is necessary for them to know, than many professional men, are they not?—No doubt they are better acquainted with the parochial law than many professional men, but not better than professional men who are clerks too.

1777. In unions where there are a great many overseers, and only a few assistant overseers, do you not think that the clerk to the board of guardians would be able to secure something like local uniformity?—It depends very much on the character of the overseers themselves. If the overseers are as fit to do the duty as the assistant overseers, there is no occasion for anything else, but the men are so engaged in business, generally speaking, that they cannot do the poor law work themselves.

1778. Have you never seen lists brought before the revising barrister in a very imperfect condition?—Yes.

1779. If each overseer in the union was required to bring his list before the clerk to the union, or, through the clerk to the union, before the revising barrister, it would secure greater accuracy, would it not?—In that particular district which I have named, it would be so, but it does not occur elsewhere.

1780. But in the North Riding of Yorkshire, and Durham, and elsewhere, a very considerable number of townships are still without assistant overseers, are they not?—I am very sorry if it is so.

1781. But are you not aware of it?—I am not aware of it; but I am collecting information, and I am told of it now. I think it is desirable that there should be assistant overseers, but I do not think it would be satisfactory to the public to have an official whose time is to be devoted to registration, and to be paid by the parish.

1782. But do you understand it to be proposed that any man's time should be entirely devoted to that purpose?—It must be so in large districts.

1783. But it would be merely incidental to his other duties, would it not?—In our district, no clerk to the guardians could attend to all those duties, and make out a number of lists.

1784. But it is not suggested that he should make out a number of lists, is it?—The list for the division he represents.

1785. Is not that a misapprehension on your part; is it not merely suggested that the clerk to the guardians should be the medium through which the lists should come to the revising barrister from the overseer in each township?—I think the overseers, if they are proper men, are quite competent to do that.

1786. But the Committee have heard that they are not so, and that they are very improper men; does not that sometimes happen?—It is not so in Yorkshire.

1787. Not in the West Riding of Yorkshire, you mean?—No; we have some of the best men for assistant overseers.

1788. Except in one district you have assistant overseers in every township, have you not?—Yes.

1789. Do

1789. Do I understand you to say that that prevails throughout the whole of the West Riding of Yorkshire?—I believe it does; at least it did when I registered. I know the northern division, the southern division, and the eastern division. I have gone through the whole of them, and we never had a difficulty about the lists in the northern division of Yorkshire.

1790. You mean the North West Riding of Yorkshire, do you not?—Yes.

1791. With regard to duplicate entries on the register; do I understand you to say that you would, if a person has more qualifications than one, allow him to be twice on the register in respect of the same kind of qualification?—Yes; because if a man had two freeholds he might sell one during the year.

1792. Would you confine him to two qualifications, supposing that he had two freehold qualifications, and two occupation qualifications?—He should elect two out of the four, and the other two would go.

1793. He might use one for the freehold qualification, and one for the occupation qualification?—Yes.

1794. If a man has merely two qualifications of the same kind, would you still allow him two qualifications?—Yes, I would protect him for a year.

1795. You would not, as a previous witness suggested, confine double registration to the case of a person who is qualified in respect of property?—No.

1796. You would extend it to the occupier as well?—Certainly.

1797. With regard to the place where the person shall be required to vote, would you leave the law as it is with regard to non-resident voters; they may choose now where they will vote, may they not?—They may choose where they will vote.

1798. You would not confine the non-resident voter to the place where his property is situated?—No. For instance, take the case of a person who is qualified, say at Wakefield, or at Dewsbury, in the middle of the division, there is no necessity for that person coming to Dewsbury; he might poll at Doncaster.

1799. You would allow him to choose the place at which he would poll?—Yes, but I think he ought not to incur expense in coming to Dewsbury; but he should be allowed to vote at the first polling place after he enters the county.

1800. Would you confine him to doing that?—That would be a better system, I think; but it is the first time I have considered the question; it might lead to some personation.

1801. You think that is open to objection with regard to personation?—Yes, certainly. My preference is for the place where the property is for the polling place.

1802. You say that a considerable number of persons in the neighbourhood of Sheffield reside in the out-townships, and that they are working during the day in Sheffield?—Yes.

1803. And you say that you would have the revision court for such persons where their daily occupation is?—Yes.

1804. It would be inconvenient for them to go back to the places where their qualification is; they would lose a day's work?—Yes, they would lose a day's work.

1805. Would you not permit those persons to poll where their business requires their presence during the day?—Theoretically, yes; but practically, no; because we find that it creates such disturbance in a town, by large masses of people being gathered together.

1806. You would allow the revision to take place out of the place where the man resides; but you would force him to go back to the place where he resides to vote?—Yes. But that scarcely expresses the whole thing; when he is doing his work, and the revision is going on, he does really reside where he revises; but if he had both to leave his house and his work to prove his vote, it would be a great inconvenience.

1807. Where a man is resident within the county, would you not give him the choice of voting where his occupation is or where his residence is, whichever he pleases?—He should always vote either where the qualification is or where his residence is.

1808. And not where he happens to be engaged during the whole day?—The cases are very different; the residence is a natural thing, and a man will say, "I will vote where I live;" but the right thing is to vote where the qualification is, because the probability is that people know all about it; but he should not vote necessarily where he resides. If it is more inconvenient to the public, private rights must give way to the public necessity.

1809. You express a strong opinion with regard to making a statutory declaration, and you think the claim to vote should be made much more specific?—Yes; but you understand that is to give costs. In any case, I think it is better that the claim should be more specifically stated.

1810. Would it not be easy to append to the claim a statutory declaration, pledging the claimant to its accuracy?—I do not think that the value of that would be great.

1811. You do not suppose that any one has suggested that such a declaration would be conclusive, do you?—No; but if he has to come and be cross-examined upon it, that is of no independent value as evidence.

1812. It is the practice of the revising barristers now not to allow costs to new claimants, is it not?—It has been the custom to allow costs to new claimants of late years in some courts. In the same room one barrister will give costs on new claims and another will not. I have seen barristers holding a court in a large room, one in one corner, and the other in another corner of it; one barrister holding one thing, and another, another thing; the vote depending entirely on which end of the room you went to.

1813. I gather from your evidence that you think the rule of denying costs to new claimants should not prevail in future?—No, I would leave that with the revising barrister; the barrister's discretion should be used.

1814. You know that in many cases the barristers say, "I will not allow costs with regard to new claims, whatever the case may be;" do you think that that should be continued?—I should not like to take away the revising barristers' power, but it should be exercised with great discretion. There are many persons with votes which are known to be good votes to all the world; a man sends a notice of objection to the claimant, who has to come and prove it; there the barrister should have power to give costs, but if he sees that there is reasonable ground for objecting he should withhold costs.

Mr. *J. Freeman* — 27 May 1870.

1815. But you know that some revising barristers will not give costs to new claimants, however strong their claim may be, do you not?—Yes, I do.

1816. Do you not think that that often leads to frivolous objections, and to parties being occasionally put to much greater expense and inconvenience than is necessary?—I consider that every case of that kind is a frivolous objection.

1817. Where the revising barristers have been in the habit of refusing costs, do you not think that a statutory declaration, in the first instance, should take the case out of that category?—I do not think that a statutory declaration, when it comes to be dealt with in the revising barrister's court is worth anything; it is no more than a man's statement when he stands up in the court. Am I to understand the proposition to be that if a statutory declaration be annexed to a claim there is no necessity for a man to attend?

1818. No; it has been suggested that where a statutory declaration is made in the first instance by a new claimant, if an objection be made to him, and that objection be found to be frivolous, he should be entitled to his costs?—I agree to that; but still the statutory declaration should not be conclusive. I would do that whether there were a statutory declaration or not; it is in fact done so. Mr. Cave, one of our revising barristers, uniformly does it, but it is not universal of course.

1819. You say you object very much to the grounds of objection being specifically stated on the notices of objection?—Yes.

1820. You are aware, are you not, that the grounds of objection are required to be specifically stated in every case except in the cases of new claims at present?—No; they are not required to be specifically stated; you are to say under what column you object, but you have not to say on what ground the objection is founded. You say, "I object to the third column;" but you are not bound to say why you object to it. It would be very inconvenient and invidious indeed to expose people's affairs merely for registration purposes, as they would be exposed if you were specifically to state the ground of objection. You take your notices to the post office, and you are bound to take them open; you affix the post office stamp with the notices open, and you are telling all the post-office clerks what your objection is; they see them, and they very often just fold them up loosely, and slip them into the post office. They can be read by the letter carriers.

1821. Now, between the objector and the person objected to, does anyone interpose except the post-office officials?—No, not officially; but those things get laid about; they go to a person who is objected to, and he may lay them down, and that would expose family affairs in a way which they would not like.

1822. Do I understand that your objection, on the ground of publicity, arises after the delivery of the notice to the person objected to?—Yes; it is all over the time from between the 20th of August and the revising barrister's court.

1823. But if you had read my Bill, you would have seen that this is not to apply to the notice to the overseers, but merely to the notice given to the person objected to; I now ask you if any person interposes between the objector and the person objected to, except the post-office?—No; but my objection goes further than that; I say it would be a very unpleasant thing to me to receive a notice of objection that my property was mortgaged, and that my clerk or my servant should see it; I think I should not be put to that exposure in order that you may object to my vote.

1824. Is it your practice, when any document of a disagreeable character is received, to leave it out?—I speak on behalf of the voter, and not the objector. We are so careful in our courts on this subject that we always whisper these things to each other; "Will you take this in your own hands and ask him if he has 40*s.* clear"?

1825. Is it not, also, very disagreeable for a man, if he has a good qualification, to be dragged to the court without knowing the ground of objection?—Yes; but they generally do know on both sides; besides, the agents know. In commercial districts we all know that publicity is very unpleasant; it affects credit and all that kind of thing, and practically it would go in restraint of the franchise.

1826. With regard to costs; is there anything unreasonable in the suggestion that a person objected to, and whose claim is found to be a good one, should be allowed costs not exceeding the actual expenses incurred, and compensation for loss of time?—That is what they get now.

1827. But would you give that without any limits?—I should think that there ought to be some restraints; there are a great number of revising barristers, and I think there should be some limits, because one man's views may be very wide of the mark, and another's may not. My experience is, that no man gets 5*l.*, and that no man ever loses 5*l.* through attending registration courts.

1828. You think that the limits, not exceeding the actual expenses incurred, and compensation for loss of time, is an unreasonable one, do you?—I think a man, who has proved his point to the satisfaction of the court, and who has shown that the objection was groundless, ought to be put in the same position as if he had not been objected to; that is to say, if a working man he should be paid his day's wages for having had unnecessarily to attend the revising barrister's court. A surgeon would obtain a guinea.

1829. *Chairman.*] Have you ever, in all your experience, known costs to be given up to the limit now allowed?—No; I never did; I have known an overseer fined 5*l.*

1830. That is a fine for omission of duty?—Yes.

1831. That is quite a different thing, is it not?—Yes.

1832. Mr. *Dodds.*] Your experience has not extended beyond the West Riding of Yorkshire, I suppose?—No, not practically; but the riding is one hundred miles from point to point; we had 11,000 objections in the year 1859.

1833. How many of those were sustained?—A large proportion of them; there had been no revisions from the year 1844 to the year 1859, and the register had become rotten; that shows what it would be if there were no political organisations.

1834. Now, with regard to supplying the list of voters under clause 7; do you think additional facilities should be given to persons interested for procuring the lists?—I do not know that we have any difficulty.

1835. But suppose that difficulty has existed somewhere else, what would you say?—Then I should say Parliament ought certainly to do that.

1836. Would

1836. Would it not be easy to add to the 7th clause a provision that the person so applying for a copy of the list should pay such a fee as might be deemed reasonable?—I think that would make it complete.

1837. You are aware that overseers at present are required to deliver the jury lists on oath, are you not?—Yes.

1838. And they have to make the rates on oath, have they not?—Yes.

1839. Is it at all unreasonable that the list of voters should be verified in the same way?—It is not unreasonable at all; it is a matter of policy whether you will do it or not.

1840. Have you never seen the lists of voters delivered in a very imperfect condition?—Yes, I have seen those lists delivered in a very imperfect condition, but not intentionally so; but I believe that those men who make out those lists would swear, at once, that they were correct, because they believed them to be so, and you could not indict them for perjury.

1841. Would it not secure greater attention if the overseers knew that they were required to verify the list of voters in the same way as they are required to verify the jury lists at present?—I believe the lists of voters are made out with as great attention as the jury lists are made out.

1842. But is it not the fact that the assistant overseers are very often violent partisans?—Yes, they are.

1843. If it happened in the township which you mentioned that all the persons in that township were of one political complexion, may there not be a little bias in favour of the political party to which the overseer is attached which would be corrected by a statutory declaration?—In that township which I mentioned they do happen to be all of one kind, so that there is no political bias at all; in fact, there cannot be, because they are all on one side.

1844. But the assistant overseer may favour the political party in that township to which he belongs; he may favour them by putting a few more persons on the register than ought to be there, may he not?—The fraud, in that case, would be patent because we can count them up.

1845. May not questions arise sometimes with regard to successive occupation?—Yes, that is the only question which could arise.

1846. Is that township Lord Dartmouth's property?—Yes.

1847. Very nice questions very often arise before the revising barristers with regard to occupying tenants, I believe?—Yes.

1848. Is it not possible that an assistant overseer might be disposed to favour his own political party?—Yes; and so would any other person; the clerk to the guardians would do the same.

1849. Would not a statutory declaration or affidavit in such a case, similar to that made with regard to the jury lists, operate beneficially?—It might; of course every additional solemnity you give to a man's statement is supposed to do good, but I do not think that he ought to be compelled to do that to every list he brings; at the same time, if Parliament thought he ought, there could be no objection to it.

1850. Parliament has required it in certain cases already, as you know?—Yes; there is no objection to it.

1851. You have stated that when you visited this particular township you were not permitted to inspect the books, or rather that none existed?—There were none; if there had been any, they would have been shown to me with very good will.

1852. You are not a ratepayer in that township, I suppose?—No.

1853. But you would not have been entitled to inspect the books, would you, not being a ratepayer?—But I could have gone to a neighbour, and he could have got it.

1854. Would not the 9th clause enable you to procure the authority of any ratepayer for obtaining a copy?—Yes; for purposes of registration, but for other purposes I could do it without.

1855. Perhaps, then, this clause does take the law a little beyond what it is now; the clause says "The rate-book shall be open to the inspection of any ratepayer, or of any person authorised by any ratepayer"?—That can be done now.

1856. Do you mean to state that any person authorised by any ratepayer has authority now to demand inspection of the rate-book?—Yes, any person by himself, or his agent, can do so; if a great landowner has an agent here and there his agent can go and look at the rate-book.

1857. Can they do that as a matter of right?—Yes; a man is not bound to do all his own business.

1858. You have stated that you conceive the overseers are bound to receive claims to vote at any time of the year?—That is my opinion.

1859. But in practice do they receive claims to vote at any time of the year?—Sometimes. I was consulted, in fact, by Mr. Dudley Baxter; he asked my opinion on the subject, and I answered him that in my opinion any person may send in a claim to the overseer at any time during the year.

1860. Is that the generally received opinion?—I believe so; I never heard it questioned.

1861. But is it the practice to do so?—It is not frequently done, because it is so common a thing to wait until the precept comes.

1862. Is it not an unreasonable practice for the overseer to wait until the notices are published, and then only to receive claims between the time of the publication of the list and the 20th of July?—The practice is to receive them because they are sent then; but if they were sent otherwise the overseers would be bound to receive them, and to publish them afterwards.

1863. The clerk of the peace's precept only reaches him a very short time beforehand, does it not?—It occurs to me that I have had this to do: sometimes claims are objected to as being too late; the overseer has marked them, but on looking at the claims we find that they are dated after the day, or received after the day. We object to them and the revising barrister removes them; but if the claimant says to the assistant overseer, "Keep that claim until next year," the overseer is bound to keep it; and if he were to burn it, it would be a breach of duty.

1864. The overseers go out of office at the latter end of the year, do they not?—Yes; but they are bound to hand over all papers connected with the office to their successors.

1865. Do the overseers make any endorsement on the claims with regard to the time when they are received?—Sometimes they do, and sometimes they do not; when they come too late they often do endorse them.

1866. Mr. *Pell.*] You were asked just now whether you thought that every facility should

Mr. *J. Freeman.*

27 May 1870.

not be given to persons entitled to votes to be placed on the register?—Yes, every reasonable facility.

1867. Do you think there would be this danger in giving what may be called "every facility" to persons being entitled to vote to be placed on the register, that you might admit a vast number of claims of persons who are not entitled to vote on the register?—Yes, but "every facility" means, in my opinion, every reasonable and proper facility; that is to say, there should be a certain day and a certain form, which should be observed, leaving time enough for investigation; there are only 18 days now, but if Parliament thinks that 18 days is sufficient, let it be so.

1868. You spoke of the register having become rotten in consequence of no conflict having been going on between the two political sides?—Yes.

1869. Do you not imagine that if you gave every facility to persons entitled to vote to be placed on the register, and there happened to be no strong antagonism in the county, that a vast number of persons might get into the register unfairly?—Yes, unquestionably, if you give improper facilities, and if you do not attend to the register, people would do it. You get votes which are good on the face of them, but when you examine them, they fairly fall away.

1870. The question has been put to you whether you approve of giving facilities to persons to get on the register by employing the machinery of the Union Assessment Committee, and clerks to unions to receive in the first instance the claims?—No, I do not think that the clerks to the unions ought to receive the claims.

1871. But do you know that that is one of the proposed ways of altering the system?—What I understood was, that the assistant overseers should receive the claims, and that all the overseers should communicate with the clerk to the board of guardians, and that the clerk to the board of guardians should form the list.

1872. Is your registration in Yorkshire a costly affair?—It costs about 600 *l.* a year.

1873. Would the cost be diminished if you introduce another medium, such as the clerk to the board of guardians, or an assistant overseer?—Not in the least; it makes no difference whether you examine the list in the house of one man or another. You must have several assistant overseers to carry out that duty, but the lists are not all seen by the same men.

1874. How many qualifications are there for a county voter, are there not something like 11?—There are 10, I think; there are 11 if you add the room and power voters, which only exist in manufacturing districts.

1875. Some of them depend on whether the property is freehold or copyhold, do they not?—Yes.

1876. Have the Poor Law authorities, with regard to assessment or with respect to rating, any power to inquire into the question whether land is copyhold or freehold?—No; all they want is the rateable value, the tenure has nothing to do with it.

1877. Then with regard to whether it was freehold or copyhold, the assessment clerk and the clerk to the guardians would have no official knowledge whatever?—No; they have no official knowledge whatever; all they look to is the positive property.

1878. There is another qualification for the county, which is an annuity on freehold land for a life or lives of 5 *l.*?—Yes.

1879. Is there anything in the Poor Law Department machinery that would enable the overseers or the clerk to the guardians to know anything of those matters?—No; as I have already said, there are annuities, rent-charges, and settlements, and so on, which are all private affairs, which are only known to the owners themselves.

1880. In fact, a registration machinery of this nature must be very imperfect indeed?—Yes; it must be very imperfect indeed, and it would not prevent the necessity of scrutinising the lists as we do now, and finding out the men on our side, and the men on the other side who are off the register when they ought to be on it, or on the register when they ought to be off it.

1881. Do you get out the double qualifications as a registration agent in your county?—We get them out towards the election.

1882. But not before?—Yes; we get them out every year in this way, that in counting the results of the register we exclude the double entries.

1883. I thought you said that when a contest came on, or when a canvass commenced, as matters then and now stood, if a man appeared several times on the register, you might be sending out several addresses and voting cards to the same persons?—Yes, so we must; we say, "That is a double entry, you cannot strike this off;" and so it goes on to another year, until the duplicates accumulate; but if the revising barrister had power to strike out every qualification beyond the second, that would be a very great saving.

1884. Would it be desirable that there should be an appendix to the register, alphabetically arranged, of every voter in the county, bringing under his name the different qualifications that the voter has?—That would be a facility, unquestionably; but it would be a very great cost to the county.

1885. At present, that is a cost that falls on the candidate, is it not?—Yes; I had one made at the last election for the southern division of Yorkshire; it was a most voluminous thing, and was of very little use.

1886. Was it not of use to you before the contest?—It was of some use for the distant voters, but we know them pretty well, we have a very good organisation; I never allow a claim to be put in without it has been shown to me, and I never allow a notice of objection to be put in without the ground of objection has been shown to me; I begin to examine them on the 10th of July, and it takes me about a week.

1887. With regard to the third column, do you think it would be desirable to have the qualification more explicitly stated?—Yes, I do.

1888. The Committee have heard a great deal with regard to objections, that they should be specific; is that your opinion?—Yes.

1889. That is contemplated in the Bill before the Committee, is it not?—Yes.

1890. Is it possible that the objection can be made very specific, if the claim is not made more specific?—No; the principle is adopted by the Act of 1865, but the objections would be much fewer if the nature of the qualification were more specifically set out, I mean the nature of the interest claimed; if we saw from the claim itself

self, what was the real subject-matter of the claim, we could inquire into it, and we should not object if we found it right; but when a man claims for a freehold house, and it is some secret transaction between him and his family, I have always said that we ought to be paid the costs of investigating it. I mean that the party, who acts for the objection, ought to be paid his costs.

1891. Would this be a reasonable proposal, with regard to this third column, that all claims to vote made under the Acts of 1843 and 1865, shall state specifically the nature of the qualification, and whether the same is derived by purchase, gift, devise, descent, or otherwise, the name of the person from whom, and the time when, the title to such qualification was derived?—I think that would be a great advantage, and that it would prevent many fictitious claims being sent in.

1892. That is not required by law now, is it?—No; and if it were required by law there should only be one form of notice of objection.

1893. Now then, in the case of an objection to such a claim, would this be reasonable that the revising barrister should allow costs to the person objecting, in case such vote should not be allowed, such costs to include the necessary expenses incurred in inquiring into the correctness of the claim?—Yes; there is as much justice in allowing costs to a man who has proved a claim to be bad, as in allowing costs to a man who made a good claim and proved it against the objector, if you adopt the principle of letting the costs follow the event.

1894. Do you think the general practice of revising barristers, in not allowing costs upon the first claim, is very much dependent upon the uncertainty which the law has allowed in making the claim?—Yes, I think so.

1895. If there was an alteration under that head, it would not be unreasonable for the revising barrister then to allow costs in some cases upon the objection?—Yes. I think, however, the proposition of the honourable Member for Stockton is a good proposition in itself; but to put it on the face of the objection is, as I have already said, in speaking of the 4th section of this Bill, a very delicate and dangerous thing, as it goes out before the world.

1896. Some questions have been put to you by the Chairman with regard to the power that the revising barristers have with regard to the selection of the places at which they shall hold the revising courts, and the parishes and places which are to come up to those revising courts; you have referred to 5 & 6 Vict. c. 18, s. 32, will you kindly turn to that Act again?—I have that Act here.

1897. Will you also take in your hand 30 & 31 Vict. c. 102?—Yes, I have it.

1898. Can you point out in Section 32, in 6 & 7 Vict, or Section 34, in 30 & 31 Vict., any power given to the justices of the peace in quarter sessions, to say what parishes shall form the revising district?—No, the authority of the magistrates is to have polling places, and then the revising barristers appoint the revision courts; but the revision courts in our district have always been satisfactory until last year, when, for the reason which I have already stated, it became necessary to appoint some others.

1899. It comes to this, does it not, that under the old Act of Parliament the magistrate had power to name the places at which the revising barrister was to sit, and where all the polling places were to be; but there is no power given to the magistrate under that Act to say, what parishes are to go up to the court?—The first regulation about polling places was that they were appointed by the Reform Act; then there was the power of appointing additional polling places by the Queen in Council, on the request of the justices of the peace; then, again, in 30 & 31 Vict. c. 102, s. 34, provision was made for increasing the polling places of the county by the justices doing it themselves, without the necessity of having to go to the Queen in Council; but the revision courts are all appointed by the revising barrister.

Mr. *J. Freeman.* 27 May 1870.

1900. Now the revising barrister may hold his court at such places as the court of quarter sessions may specify, and at such other places as he may think fit, may he not?—The 32nd section of the 6 & 7 Vict., says, "That the barrister appointed to revise the lists of any county, shall make a circuit, and hold open courts for such revision at each of the places which now are, or hereafter may be, appointed as polling places for such county." He is bound to go to the polling places under that old Act of Parliament; but under the subsequent Act, the magistrates may increase the polling places without going to the Queen in Council, because the 34th section of the 30 & 31 Vict., says, "The justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling place assigned to each district, and shall name the polling places at which the revising barristers are to hold their courts." Therefore the justices name the districts where the barristers are to hold their courts; the words of the section authorise them to make a revision district.

1901. How do they do so?—When the magistrates have appointed the polling places, they direct the revising barristers to hold courts at such places, "and no revising barrister shall be obliged to hold his courts at any polling places not so named."

1902. Will you now refer back again to 6 Vict. s. 32; you will find there (and is it not the practice also) that the revising barrister shall give notice to the clerk of the peace of the places which are to form any aggregate of revising districts, and that he, having given that notice to the clerk of the peace, it is the duty of the clerk of the peace then to advertise, 10 days before the first court is held, the revising district so formed by the revising barrister and the places where he will hold his court: is not that so?—The revising barrister always adopts the revision courts which the magistrates set out. The magistrates have clearly the power to say where the barrister shall hold his court; he is not bound to go elsewhere. But under the 32nd section of the 6 & 7 Vict. he may in addition go to such "other places within the said county which he shall think expedient, at convenient times, between the 15th day of September inclusive and the last day of October." Under the 6 & 7 Vict. you are quite right; but the 30 & 31 Vict. gives the magistrates power to appoint the revision districts: "The justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling place assigned to each district, and shall name the polling place

Mr. *J. Freeman.*

27 May 1870.

at which the revising barristers are to hold their courts."

1903. Now, will you be kind enough to look at this list for the southern division of the county of Leicester, which I hand to you; there are 14 polling places named there for that division of the county, are there not?—Yes.

1904. Now, will you look at the bottom of the list; do you not see there an advertisement of certain places where the revising barristers' courts are to be held?—Yes, I see it.

1905. How many are there there?—There are eight.

1906. There are 14 polling places in that division of Leicestershire, and eight places for the revising barrister to hold his courts?—Yes.

1907. It is perfectly obvious that there must be some parishes in some of those polling places which have not been allotted to any particular revising courts by the magistrates, is it not?—This is rather a strange notice; the notice should have gone on to say what the different polling districts should be, and then the places for revision at Blisworth, Hinckley, and so on.

1908. That is the first notice given by the court of quarter sessions with regard to the polling districts, is it not?—I doubt whether it is in the right form, because the Act says that the justices shall name the polling districts.

1909. They have done so there, have they not?—Yes. But the revising barrister should then give to the clerk of the peace the names of the places which they will revise at each of those courts.

1910. Which he has done in a subsequent advertisement, which I have not given you?—They all come together with us.

1911. Will you kindly refer to section 34 of 31 & 32 Vict., and tell the Committee whether it would not be convenient if some additional words should be inserted in that clause. It now reads, "The justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling place assigned to each district, and shall name the polling places at which the revising barristers are to hold their courts." Do you not think it would be well to add the words, "and the parishes or townships which shall form such districts," or some similar words?—That certainly should be done; that would make it clear.

1912. Now, what is a township?—A township is a certain tract of land included within given boundaries, for parochial purposes.

1913. The register of a county is, if I remember rightly, a list of persons who are entitled to vote for the parishes or townships; and the claims are made out in that way?—Yes; some parishes and townships are co-extensive.

1914. Is there any difference between a parish and a township?—In the township of Mirfield, which is close to Huddersfield, which is a very large township, the parish and the township are co-extensive; the next is the township of Thornhill; that township has its own overseer, and it has nothing to do with the parish; our townships are very large; many of them are as large as your parishes, and are certainly more populous.

1915. Do you know of any township which has no overseer at all?—No, they have all overseers, and that township which I lately mentioned has an overseer, but he has nothing to do.

1916. Have you ever heard a definition of a township as a place that has power to appoint its own constable?—That is the definition with regard to the county rates.

1917. But, necessarily, it need not have an overseer?—Just so.

1918. That is one difference between a township and a parish?—Yes, unless there was need for a poor rate.

1919. I thought it possible there might be townships with you, as there are with us, where there is no overseer; and then this plan of self-registration would break down, would it not?—Yes.

1920. Have you many extra-parochial places in your division of Yorkshire?—No.

1921. Have you no large tracts of land where there are no rates made for the poor?—No; but there may be a township that may be nearly all moorland.

1922. With no rate?—I could not say; perhaps there is one which is entirely so; but the moors are being very much encroached upon by the manufacturers.

1923. Mr. *Raikes.*] Do you not think that it would be an improvement in the law if the yearly residence which is to qualify a voter should end on the quarter day so as to coincide with the regular tenure of the voter; say Midsummer Day for instance?—That would require the whole of the machinery of registration in the whole of the Acts of Parliament to be altered; the 31st July has no reference certainly to agricultural tenancies; I do not think it matters much if you only fix a day that is to be for the whole country.

1924. Do not a good many people come into possession of their vote not till a year later?—I have sometimes thought that September or the 3rd of August would be a good day, because the tenancies with us are from February to August or, at all events, from February to February and, indeed, in many other counties it is Candlemas Day.

1925. But the 2nd of August is very often the day for agricultural tenancies, is it not?—In the West Riding of Yorkshire land is generally held from February to February, but there are cases where it is from August to August.

1926. Mr. *Dodds.*] But they are very uncommon, are they not?—Yes, they are very uncommon, and the system would not do for agricultural districts.

1927. Mr. *Wynn.*] Have you ever looked at the accounts presented by the assistant overseer to the revising barristers?—Many times.

1928. It comes to very much the same thing with regard to the parish, whether an assistant overseer is paid by salary, or whether he makes a separate charge for the preparation of the list; in either case it falls on the parish, does it not?—Yes; it falls on the parish.

1929. What has been the practice in Yorkshire so far as you know it?—The overseer has a salary but I have reason to believe that what he gets for going to the clerk of the peace with the notices and what he gets for preparing the notices, goes to himself; it was so formerly, but lately they have got more into the way of salaries, and the ratepayers who have to pay the rates, attend in court, and tell the barrister he is charging too much for attending; the barrister re-models the account and signs it; and the ratepayer takes care that the overseer produces his vouchers.

1930. In the accounts which you know of, no items appear in the assistant overseer's expense

ıny charge for the preparation of the lists?—
ne.

.931. Have you any freehold land societies in
ır district?—No.

.932. You are not acquainted with the work-
of those societies and their operation on the
isters, I suppose?—I know generally how
y carry it on.

1933. So far as you know, do you consider
t those qualifications are in general genuine?
ſn freehold land societies I think they are
ıerally genuine, but in what are called faggot
:es, which at one time were extensively created
y from the year 1840 to the year 1846), there
re objectionable votes. I was thinking of those
ıen I was being asked just now about the
ıce of voting. On the western side of York-
ire there is Todmorden, which is the first poll-
g place out of Lancashire. Now the lists of
ıt district contain the names of a great number
gentlemen residing in Manchester; there was
other at Halifax, which was the next polling
strict. Perhaps about 30 persons would be
ıalified out of a small row of cottages in a back
reet which they never saw. They have paid
ɔney into the hands of the agent, he buys the
ttages and deducts his commission from the
nt, and sends the money to gentlemen of very
gh standing in Lancashire. They come over
e border and poll at Todmorden, and go off
ain. Mr. Maule used to call it Yorkshire out
the county; he was a revising barrister, and a
ueen's counsel.

1934. But you believe that in the majority of
ose cases the 40*s.* was received?—Yes, I believe
was in the majority of those cases; I have
ruck 150 names off one register in this way,
at after deducting the commission of the man,
d the board of health rates, and so on, on
ıding out that three or four houses were left
ıoccupied during the year, away they all go;
had one lot where I only found 1*l.* 19*s.* 10*d.*;
ey all went down. There was another lot, called
e 33rd, at Wakefield, which stood for a long
ne, till we found out that some were unoccupied;
en the rent came down, and some went off.

1935. You have been asked about statutory
eclarations; now, as far as your experience
ɔes, would not an uneducated voter—I will not
y one of your West Riding of Yorkshire voters,
ho are manufacturers—but would not a rural
ɔter sign very much what an agent put before
m?—I think so; I have said that they might
ɔ on the last day of the registration, and say to
man, "Come, sign this, you are a freeholder
r So-and-so;" the man gets up and signs it, and
vay it goes; I think that would lead to a great
any bad votes coming on the register.

1936. With regard to double entries, do you
ink that it would be safe to permit the re-
sing barrister to expunge, I will not say the
cond, but the third or fourth repetition of a man's
ame; not for the same qualification, but upon dif-
rent qualifications, upon due notice to the voter?
-Not those who were already on the register;
ut as far as that goes, there is a distinction be-
veen those who are already several times on the
gister and those who have to come on the re-
ister. With regard to those who are already on
ıe register, I should give notice something to
ıe following effect: "It is intended to decrease
ıe number of entries of your name on the re-
ister, and we shall strike out So-and-so, unless
ou show cause to the contrary." The agent for

the district where the gentleman lived would see which qualification he would have taken off.

1937. How are you to be certain that A. B., on the register for Todmorden, is the same man who is on for Mirfield?—We should go and say, "Who is this man; do you know him?" perhaps they would say, "Yes, his name is Thomas Smith;" or, "Oh, that is So-and-so, and his property is at such-and-such a place; I know his family, and you go to the family and ask. There are generally links in the evidence which you can follow up.

1938. You do not call that a very loose way of dealing with a man's name then; supposing A.B. is not the same person, then the other A. B. would have no notice whatever, would he?—You must do the best you can; you must make inquiries, and you generally find, with ordinary attention and energy, that you discover the real man; but everything human is subject to difficulties.

1939. But you would be striking off the name of the man without giving him any notice, would you not?—I should give notice to the man if he were already on the register.

1940. I understood you to say that the revising barrister might expunge the man's name on evidence without any regard to the notice to be given to the voter?—I do not think it would effect much wrong, if any, because it is so well known. We have 14 agents in the south division of Yorkshire, and they have sub-committees to whom they refer everything.

1941. Mr. *Brand.*] Would the 12*l.* list include all the 50*l.* occupiers?—The list of 12*l.* voters is a list of the 12*l.* occupiers only; the 50 pounders come on the property list.

1942. But would the 12*l.* list include all the 50*l.* occupiers?—Yes, to a great extent they would come in that list.

1943. But there are some exceptions, you say?—Yes, there are some exceptions.

1944. If the 50*l.* occupiers were incorporated in the 12*l.* list, and it was open to the 50*l.* occupier to be admitted from the rate-book, would there be any hardship in incorporating the two lists?—I think the two lists should be incorporated with the property list, so that you should only have one list for everything.

1945. Sir *H. Johnstone.*] About this statutory declaration; it would not, as I have said, be made in the public streets, but probably it would be made before a magistrate. Why do you think that this statutory declaration would be made in ignorance, without full consideration of what the claimant was doing?—Experience shows that it would come to be a matter of form; you would be surprised to see how people will sign affidavits.

1946. Sir *E. Colebrooke.*] The tendency has been for many years to abolish oaths, has it not?—Yes; the tendency has been to abolish oaths, and substitute declarations. In ordinary cases men say what they believe, and believe no more than they swear.

1947. Mr. *Dodds.*] The tendency has been to substitute declarations for oaths?—Yes.

1948. But not to abolish declarations?—Not to abolish declarations; because you should give some solemnity to matters where other people's interests are concerned; but this is a matter where people look to their own claims only.

1949. Mr. *Cross.*] Could you tell the Committee at all the proportion between the number of persons on the register of voters and the

Mr. *J. Freeman.*

27 May 1870.

number of persons on the jury list?—I have never made out any account of the proportion.

1950. Can you give it me in the roughest way?—The proportion would be considerable.

1951. Do you not think it would be advisable that the same machinery should be made use of for making out the jury list as for making out the voting list?—It might be advantageous to place it under the revision of the revising barrister certainly, but you would increase the importance of his court.

1952. If you have a machinery for making out the jury list, might you not extend the same machinery for making out the voting list?—Certainly.

1953. In the long run, it might save money to all parties, might it not?—The magistrates would not like to forego their jurisdiction, I think.

1954. Never mind the magistrates for a moment; what I wish to ascertain is, might it not be advisable to consider whether it would not be worth while to have the same machinery for making out both lists?—Undoubtedly.

1955. I have a Bill before me, referring to jury lists, which provides that "after the overseers have made them out previous to the list of jurors being produced before the justices or the revising barrister, the same shall be examined by the guardians of the poor of the parish; who shall certify in writing, at the foot of such list, under their hands, that they have examined the same, and specify any error in it; but they shall not be at liberty to alter such lists:" would some su machinery be advantageous in this case?—Ye probably.

1956. They having no power to alter the lis —It is always dangerous to give subordinates t right to alter documents which are to have leading effect; they should have the sanction proper persons, properly appointed.

1957. It is proposed that in the case of person entitled to be on the jury list, notice sh be given by the overseers to him every quarte so that his name might be struck out in case death or removal; is that done now?—Ve often it is done.

1958. If there was only one list of voters a jurors, and the lists were made with some d tinctive mark, and people's names were stru out on their death, would not that avoid a go deal of personation of dead voters?—Yes, eve piece of information which you can give whi would lead to perfect registration would useful.

1959. It might be desirable to consider, mig it not, whether we should not amalgamate t machinery of the two lists?—Yes, it would very desirable.

1960. *Chairman.*] Have you ever turned yo attention to that question before, or has it co suddenly upon you now?—I have thought a litt of it before, but not much.

1961. Have you any other remarks to make the Committee?—No, I think not.

Mr. James Broughton Edge, called in; and Examined.

Mr. *J. B. Edge.*

1962. *Chairman.*] Do you live at Bolton?—Yes.

1963. Have you been engaged in registration work for many years?—Yes, for upwards of 12 years. I have attended as Advocate on various revisions in South Lancashire.

1964. That is to say, I presume, in connection with some political organization?—Yes, certainly.

1965. Not to beat about the bush, I will ask you, would the appointment of the clerk to the guardians as the superintendent of the overseers for registration purposes, promote the accuracy and reliability of the registers, and save trouble to the voters?—The appointment of any person to superintend the overseer would have a tendency to promote accuracy and reliability; but I think that the clerk to the guardians would be rather an unsuitable person to have the office.

1966. Will you state why you have arrived at that opinion?—I do not see that his duties have any connection whatever with the rate-books or the register; he really has nothing whatever to do with the rating.

1967. Do you think that the assistant overseer is the best person to make out the lists?—I do, most certainly.

1968. And where there are not assistant overseers, would you make the appointment of such officers compulsory?—Yes, I think so; it might be advisable to group several of the townships, putting them under the care of one assistant overseer; that is done in our neighbourhood now, for rating purposes.

1969. Under what authority is that done?—It is done by appointment of the vestries.

1970. Do you think that that might be done for registration purposes?—Yes; I think it might be done with advantage.

1971. And do you think that it should be ma compulsory?—Yes, decidedly.

1972. Would you propose to maintain t revising barristers' courts?—Yes; you could n dispense with the revising barristers' courts.

1973. Would you keep that as a court appeal, and would you have no intermedia person between the assistant overseers a the revising barristers?—I should keep it as court of appeal, I think: I certainly should n recommend the appointment of any officer to into the titles of the various claimants, addition to the revising barrister.

1974. But would you have any intermedia person between the assistant overseer and t revising barrister, or would you exclude t clerk to the guardians entirely?—I wou exclude the clerk to the guardians.

1975. Do the poor-rate books give the owne now with any accuracy in the owners' column, o if not, could they, by improved supervision, b made tolerably accurate?—In my district believe they do; at all events, they could b easily made to do so; for the most part, the assista overseers in south-east Lancashire are compar tively educated men, and they make out the lis very correctly.

1976. Do you think that the difficulty of ove seers making out correct lists of owners has bee an exaggerated difficulty?—Not with regard the overseers themselves. I could give instanc where the overseers do the work themselves, an where the lists are very imperfectly made out.

1977. Do you think it would be well that th trouble, or the possible trouble, of claimin should be saved to the voters?—No, I think no I think if a man has a claim he ought to com forward and prove it; I do not think there woul

b

the slightest objection on the part of the imant to do that.

1978. Do you think that the owners' column the rate-book, and the claim to vote, should ate specifically the nature of the estate, as free-ld, leasehold, or copyhold, or life estate, or fee-mple possessed by the owner?—That is simply mpossible, unless you employ a lawyer to inves-gate the title-deeds.

1979. You do not think it possible to state the nure?—No; so long as there are so many arious franchises for county votes, which must e accurately defined, it would be impossible for ne overseer to do it.

1980. You think, if I rightly understand you, at every voter should claim, and that his claim hould be investigated before the revising bar-ister?—Yes; one reason for that is this, that we ave a great number of fictitious claims put on he register; that is to say, persons send in laims for property that has no existence. It is lone on both sides, with the connivance of the gents.

1981. Do you think that in the present in-stance a claim should be carefully proved before the revising barrister before the name is put on the register?—Yes.

1982. Would you extend the power which the revising barrister should afterwards have with regard to amending the qualification of a voter, if objected to?—I think if a voter makes a claim, and comes before the revising barrister to substantiate that claim; if it is found by the barrister that it is a substantial vote, the barrister ought then to make such amendments in the claim as are consistent with the justice of the case, and that he should himself settle the description of the voter and his property on the list in the way he thinks will best describe them.

1983. Do you think that a statutory declaration would be an advisable thing to be given by a claimant for the first time, in order to establish his claim?—No, I think not; I think that there would be a great number of false declarations made; I do not mean so much that they would be wilfully made as that it would be a very easy thing to get a man to make an incorrect declaration. He would really think that he had a vote, but when he came before the revising barrister's court it would perhaps be found that he had no vote.

1984. You agree with the last witness, who said that they would sign declarations just as they sign claims?—Yes.

1985. Would that be the case, do you think, if it were done before a magistrate who must be presumed to be competent to investigate the subject?—That might have some deterrent effect; a man might think that it would be a serious thing to sign a declaration before a magistrate without properly understanding it, but, at the same time, many men would sign them before a magistrate, because they would really think they had a vote.

1986. Would you, or would you not, even if you thought a statutory declaration should be made, insist upon that declaration being subject to cross-examination before the revising barrister?—In what way do you mean?

1987. That the case should be brought before the revising barrister, that the revising barrister should question the claimant on his declaration?—I think it would be very much more easy to have the man up to prove his claim at once.

1988. But if a statutory declaration were made before the magistrate should that be brought before the revising barrister, and should he not cross-examine the claimant upon that declaration?—I think it would be very much better for him to prove his claim.

Mr. *J. B. Edge.* 27 May 1870.

1989. You mean that it would be a more simple course that the claimant should come and prove his claim as he does now?—Yes.

1990. Looking to the character and position of those who would make such statutory declarations, would it be satisfactory or possible that they should be taken as proof of the claims without their being examined before the revising barrister?—I think, decidedly, they should come before the revising barrister, and prove their claim the first time.

1991. With regard to the question of costs, do you think the general rule which is now adopted of not giving costs to new claimants a wise rule?—I think it is; I do not think that a claimant coming to prove his right to have a vote, ought to have costs; my opinion is that he should prove his right to vote.

1992. Even in a case where his right might be notorious; say that he was known to have 10,000*l.* a year?—Yes; because, in such a case as that, the mere attendance once to prove his claim can be no hardship; I am quite sure, from my experience, that there is no one who would object to do that.

1993. If objections were afterwards made, and the objections were of a technical character, would you subject the objector to costs, provided any alteration had been made in any column which had been objected to?—If my suggestion was carried out, that the claimant should come before the revising barrister's court in the first instance and prove his claim, I would have the revising barrister to set him on the list in the way which he thought would best describe that claim; and any objection that was afterwards offered, which was not a substantial objection, I should treat as frivolous and vexatious, and I would subject the objector to costs.

1994. Would not that throw rather a difficulty in the way of objectors?—I think not.

1995. Not an unreasonable difficulty, you think?—Not an unreasonable difficulty.

1996. But supposing a voter, being still qualified, changes his residence, and thereby causes much confusion, and an objection is made to him, I suppose you would allow the revising barrister to alter his residence; but would you in such a case inflict costs on the objector?—In case a voter changes his place of residence, I should allow him to make a reclaim, stating how he stands on the register at that time, and stating his new place of abode.

1997. Cannot he do that now?—Yes, he can do that now, but in a very clumsy way; then those re-claims should be published separately, and when they come before the revising barrister, he should strike out the old claim and substitute the re-claim in its stead. At present it can be done, but I have seen great difficulties arise in consequence of the form prescribed by the Act of Parliament providing that the voter should state his new residence three times, whereas it does not say that he should state how he stands on the register, and the revising barrister does not know to whom it refers; it simply says that you must say, "I, now residing at So-and-so, possess a certain qualification, and my true

Mr. *J. B. Edge.* 27 May 1870.

true place of residence is So-and-so," and then he signs his name, "A. B.," and his present place of residence; thus you have three times over his present place of residence, but nothing to say how the man stands on the register; I have seen declarations thrown aside scores of times in consequence.

1998. If the barrister amended the description in any way, would you leave it to his discretion to give costs, or would you propose that the costs should follow the event?—I would let the costs follow the event in every case, if the voter's place of residence and the description of his property were substantially correct.

1999. Does not that mean that you would leave it to the discretion of the revising barrister to decide whether or no it was so substantially correct as to entitle him to costs?—No; I would leave it to the revising barrister to decide whether the person and the property were so described as to be capable of identification, and if he did find that both were so described as to be capable of identification, I would let the costs follow as a matter of course.

2000. With regard to objections, do you suggest any alteration with respect to the form of making objections at present?—No; I think that the manner of making objections now is a very practical one, and works very well, with this exception, that I would have the notice to the overseer state the column under which the objection is made; that would be very easily done by simply providing a column in the notice of objection in which to say "second," or "third," or "fourth" column, as the case might be, because I find there is a difficulty which the revising barrister feels, and which the advocates feel, through not knowing what the objection is to be upon. Unless the objector produces his duplicate, and says what the ground of objection is, or unless the person objected to produces the notice of objection, no one can tell to what the objection refers.

2001. Would you propose to increase the power of the revising barrister to give costs; I mean with regard to the amount?—I would recommend that the Court of Common Pleas should have the power to frame rules for the guidance of the revising barristers, and also to frame a scale of costs for persons attending the revision courts, and I should tie the revising barrister down to follow those rules and that scale. At present there is most irregular practice. A revising barrister in one room will be allowing a man a guinea if he is a labourer only, whilst in another room another barrister will only allow a gentleman 1 *s.* 6 *d.* for coming and supporting his vote.

2002. Have you in your registration experience ever known the maximum costs of 5 *l.* given?—Yes.

2003. Have you known that frequently?—No, only in one case that I can call to mind.

2004. Was that in the case of a frivolous objection?—Yes.

2005. Was that frivolous objection often repeated?—Yes, it was repeated regularly for about seven years. I used to look upon that man as a regular attendant at the revision court; he came from Wales. I may inform the Committee that in one instance there was three guineas given to a gentleman who came from Dunbar in Scotland; that was a standing objection, and he always came, but no objection was made to him last year.

2006. Would you make any suggestion with regard to any alteration of the dates of registration?—I think it would be very desirable to make the qualifying year end at some quarter day if possible; but unless that was done, the dates of the ordinary proceedings to be taken by the overseers seem to be convenient at present.

2007. What is your opinion with regard to the proposal that persons should be allowed to claim up to the last moment of the revision court being held?—I think that should not be done; I think that there should be fixed dates for persons to send in claims, and that those dates should be published.

2008. You see no reason to alter the present system?—Not with regard to sending in the claims.

2009. Do you see any reason for altering the present system with regard to sending in objections?—As I have already stated, with regard to claims, I suggest claimants attending in the first instance and proving their claims, and with regard to objections to the old register, I think that the notice of objection sent to the overseers should state the column objected to.

2010. But you see no reason to alter the law with regard to the date after which no claim should be sent in, and after which objections should not be made?—Not at all.

2011. You think that for convenience, if for no other reason, it is necessary there should be certain fixed dates for those things?—Yes, certainly, to enable the overseers to make out the list of claimants and of objections.

2012. With regard to appeals from the revising barrister's decisions, are they generally given with sufficient readiness and facility to render any compulsion on the barrister undesirable?—Yes.

2013. You have never had occasion to complain of an appeal being refused, have you?—No, I find the revising barristers anxious to give every facility for appealing.

2014. Have you ever been acquainted with a county in which there was not a political organization, on one side or the other, watching the register?—Not personally.

2015. Then I suppose you have had no instances of overseers, by their supineness, leaving out, or by their fraudulent intention putting in, a number of persons?—Yes, I have found that where there have been agents on both sides the overseers have exercised a little partiality at times, especially in questions of successive occupations; and with respect to persons having resided too short a time in a township to qualify them to vote, they will sometimes, out of partiality, let them put in claims and say nothing about them.

2016. The revising barrister would not be able to revise or check that were it not for the assistance derived from the political agents, would he?—Certainly not, unless the man came and proved his claim.

2017. With regard to the owners of property, and the overseers being compelled to place on the lists of claimants any person who sent in a claim, have you ever found the overseers acting in such a way as to allow a number of votes come on the register in that particular manner?—The overseer must publish a notice of any claim he receives, and he has no power to object to that claim; of course the overseers can withhold information from the revising barrister if they choose,

choose, and sometimes they do withhold information.

2018. But have you known, as has been stated to the Committee is the case in some other districts, a number of fictitious claims put upon the register?—Yes, that is a very common thing; that is done by the agents, and not by the overseers.

2019. Is that done with the connivance of the overseers?—No, not that I am aware of. Yes, to this extent, that possibly they may know there is no such property, and yet take no steps to inform the revising barrister of it.

2020. But in case an overseer receives a claim from a person, and he knows that there is no such property, is not it his duty to publish an objection to that claim?—No; he has no power to do so, unless someone makes an objection.

2021. Have you not a list of overseer's objections in your court?—Yes; objections to the register, but not to the list of claimants; he has to write the words "objected to," when he publishes the list, against the name of any person that he believes has not the property; and also the word "dead" in case a person is dead; but that has only reference to the register.

2022. But after having published the list of claimants, when it comes to the Revising Barrister's court, it is his duty to write "objected to" against any person to whom he see an objection, is it not?—No; he has only to write the words "objected to" when he publishes the register; that is confined to the register, and is distinct from the list of claimants; I have never seen an objection placed against the list of claimants.

2023. Has your attention been called to the 6 & 7 Vict., c. 18, s. 5, which says: "And the said overseers, if they shall have reasonable cause to believe that any person whose name shall appear in such list of claimants, or in the copy of the register relating to their parish or township, and received by them from the clerk of the peace, is not entitled to have his name upon the register then next to be made, shall add the word 'objected' before the name of every such person on the margin of such list of claimants, or the said copy of register"?—Yes; but, practically, I never saw it done.

2024. If that is so, the overseers ought to exercise some check over the register, ought they not?—Undoubtedly; but practically it is not done; I know cases where claims have been sent in by agents on both sides from persons who had no votes whatever; claims for suppositious property, and by arrangement between the parties the objections have been mutually withdrawn, and the persons have got on the register.

2025. Mr. *Raikes.*] Do you think it would be a desirable thing in making out the register that there should be another column giving the date on which the claimant proved his claim?—Yes, that is a suggestion of mine, that for securing the vote from frivolous objections after he has once established his claim before the revising barrister, the barrister should put the year when he proved his vote opposite his name, and that any objection made within seven years after that date to the voter should be capable of being answered by a statutory declaration that the voter is still possessed of the qualification described on the register; that statutory declaration should be sent to the overseer, who might write the word "declared" opposite the voter's name in the list of objections, and if the objection was not withdrawn within a certain time, then of course I would visit the objector with extra costs.

Mr. *J. B. Edge.*
27 May 1870.

2026. That is to say if the objection failed?—Yes, if the objection failed; if an objection was made within three years I would allow the voter some costs even if the objection was withdrawn to compensate him for the trouble of making a statutory declaration; when that statutory declaration was made, the year should then be added in the register opposite the voter's name as the year the statutory declaration was made, and it should be considered that he had proved his vote again.

2027. Lord *Claud John Hamilton.*] You would allow him another seven years?—Yes, I would allow him another seven years.

2028. Mr. *Raikes.*] After the seven years had elapsed would you give the voter costs necessarily, or would you leave it in the discretion of the revising barrister?—I would leave it in the discretion of the revising barrister; there would be no great hardship in compelling a man to prove his vote every seven years; but in case there was a hardship, that might be met by the revising barrister giving costs where a man notoriously had a qualification.

2029. Would you make it penal for any person to make a false declaration of this kind?—Certainly; I would not make it a very heavy punishment, as in that case it would prevent penalties being inflicted.

2030. Would you make the penalty a fine by the revising barrister, or would you make the thing a misdemeanour, to be afterwards prosecuted?—I would make it an offence punishable by the revising barrister by way of fine; if a man made a false declaration, then, I think, the revising barrister, when the vote came to be inquired into might say, "You have put the objector to considerable expense, and you must pay;" but that is a matter of detail which I have not thought of.

2031. Is it expedient, in your opinion, to allow the notice of objection given to the overseers to contain the names and descriptions of the whole of the persons objected to by the same objector?—It would be a great convenience to the overseers and a great saving of time and expense to the objectors. At present a separate notice in each case has to be sent to the overseer, and then he has to arrange them alphabetically and publish them.

2032. Do you think it practicable that such notice should state on which column of the register the objection is grounded?—Yes, it would be a great assistance to the revising barristers in revising the lists.

2033. Do you think that the overseer in publishing the list should state that fact?—Yes, they should state the column.

2034. Do you think that the overseers should have power to strike off any person on the register as an owner, except where they have reasonable cause to believe him to be dead?—No, I think they should be restricted to the case, where they believe the man to be dead, because overseers often, from partiality to one particular party, will object to a man, and say the man's property is mortgaged beyond its value, and perhaps they will stretch a point.

2035. You would limit all the overseers' objections to cases of death?—Yes, you may leave all other objections to the party agent.

2036. Is it desirable, in your opinion, to put the

Mr. *J. B. Edge.*

27 May 1870.

the 50 *l.* occupiers in the same list as the 12 *l.* occupiers?—Yes, I cannot see why there should be a distinction made; at the same time, there is no reason why the two lists should not be amalgamated; that is to say, the occupiers' list and the owners' list.

2037. You yourself at one time prepared a Bill for improving the registration of county voters, did you not?—Yes; but I did so for the mere purpose of showing how I thought the Acts of Parliament could be amended.

2038. Have you compared that Bill with the measure introduced this Session by the honourable Member for Stockton? —I have read the Bill introduced by the honourable Member for Stockton, and several of the sections I think are very good. But with regard to other sections, I do not think they are so good; and in one or two cases it strikes me that what is proposed to be enacted is already the law. Some of the clauses of this Bill are similar to what I formerly proposed myself.

2039. Have you had your attention called to the last clause in that Bill; the marginal note is, "County voter may elect at what polling-place he will record his vote"?—Yes.

2040. Do you think that that would be a desirable change in the law, or would it give great facilities for personation?—It is very desirable, I think, that a man should vote as near his place of residence as possible; I think it should be made compulsory in that respect.

2041. Has your attention been called to the evidence given by Mr. Baxter before this Committee?—I have read it casually.

2042. Is there anything which you wish to remark on that evidence?—I do not remember anything at present; there was some of it which I did not agree with, and of course some of it that I did.

2043. Is there any other suggestion which you wish to make to the Committee?—With regard to the evidence which has been given by Mr. Freeman, I took a note with regard to his recommendation that the claims should specifically state whether the property was acquired by purchase, gift, devise, and so on. I think that would be very impracticable, it would make the claim so intricate that hardly any person would ever send in a claim that was perfectly accurate. Then with regard to where the revision courts should be held; in our district a revision court is held in every polling district, and that is quite sufficient. I always understood that it was the law, and if it is not the law, all I can say is it is very desirable that it should be the law.

2044. Mr. *Brand.*] Did I understand you to say that you are quite satisfied with the present assistant overseers as the registration officers?—Yes.

2045. You think, do you not, that the clerk to the assessment committee would not be a good superintending officer, because he has nothing to do with the rate-book?—Yes, I think he would not be a good superintending officer; in fact, I have reason to believe, from having had communications with some of them, that they would not like the duty, and they say they know nothing about registration.

2046. But for assessment purposes, they must see the rate-book occasionally, must they not?—The clerk to the union is usually clerk to the assessment committee, but not necessarily so, and his duties are limited, in that capacity, to recording the proceedings of the assessment committee; he does not go into the valuation list at all; the assistant overseers have all the information.

2047. You understand that the proposal is not that the clerks to the board of guardians should do the practical work, but that they should be the central officers of the union, over the assistant overseers?—Yes, I understand that, but it looks like appointing two officers to do the duties of one.

2048. You said just now that the overseers frequently act from party motives, and make vexatious objections?—Yes.

2049. And you say it is desirable not to let them make objections, except to names of persons whom they know to be dead?—Yes.

2050. Does not that amount to an argument out of your own mouth, for appointing some central officer to superintend them?—Yes; but if you made the man prove his claim in court in the first instance, the power would be removed from the overseer to make objection; I think that if an assistant overseer was appointed in each union to superintend the making out of the register, and was paid for it, it would be proper to put him under penalties if he omitted or admitted anyone from improper motives.

2051. That would be a difficult thing to prove, would it not?—I think not; I think the assistant overseer would make out those lists tolerably accurate.

2052. With regard to making it compulsory to prove a claim, did you say you would make it compulsory for the claimant to attend the revising barristers' court personally?—No, I do not mean that; I mean that the claim should be proved before the revising barrister, but it may be proved by a solicitor or agent producing the deeds. As a rule the deeds are produced in South-east Lancashire; the agent attends very frequently, the man who collects the rents. In our neighbourhood, practically, every claimant does prove his vote, except fictitious claimants, because every new claim is objected you.

2053. Would you never allow costs to follow an objection to the first claim, even if it was proved to the revising barrister that the objection was frivolous and vexatious?—I should not impose any costs whatever in the case of a new claim, however patent the right may have been; because I consider that the objector is doing a duty to his country, in putting a first claim to proof.

2054. But what I said was, would you never allow costs to a new claimant, even if the objection was a frivolous and vexatious one?—I should assume that no objection was frivolous and vexatious when it was made to a new claim.

2055. *Chairman.*] You think that no objection could be frivolous and vexatious if it only forced a man to do his duty; namely, to substantiate his claim?—Just so.

2056. Mr. *Dodds.*] Do you think the Legislature contemplated that every person duly qualified should prove his claim before the revising barrister?—I do not think from the law now in force that it was contemplated; it was contemplated that a man should send in his claim, and that that claim should be perfectly correct; but men do not send in correct claims.

2057. But should not every facility be given to persons who are qualified to have their names placed on the register without trouble?—Every reasonable facility.

2058. That

2058. That is to say, every facility for every duly qualified person to get on the register?—Yes, every facility; but in granting facilities to persons who are qualified, you grant facilities to persons who are not qualified at all, and in some cases to a dangerous extent; I have had as many as 40 cases in one district where persons have sent in claims for supposititious property. In one case I applied to the revising barrister to inflict costs; the case was gone into very minutely, but we could not ascertain who had signed the claim.

2059. In such cases as that the revising barrister has now power to award costs to the objector, has he?—Yes.

2060. That is to say, upon fictitious claims?—Yes; certainly.

2061. Is not that in itself a sufficient penalty, without imposing penalties also on persons who have undoubted claims?—No, I think not, because, practically, it is never put in force; I know many cases where gentlemen have found themselves on the register for property they never had, and they knew nothing about it till the election came.

2062. You stated, in answer to some previous question, that you think that every person should come and prove his claim?—Yes.

2063. That is your opinion?—Yes; I would have the claimant prove his claim, with the exception of an occupier, where there is ocular demonstration of his right; I know it to be the opinion also of many registration agents.

2064. Lord *C. J. Hamilton.*] But the mode of proving the claim need not necessarily be personal, you say?—Just so.

2065. Mr. *Dodds.*] Take the case of a man with 10,000 *l.* a year; he would be able to send a solicitor, but would it not be very hard upon a poor man to have to employ some one to have to go up and prove his claim?—No, I think not; a friend with the deeds could do all that was necessary.

2066. With regard to the question of costs; I did not quite catch your answer with regard to the allowance to the persons who were on the old list, and whose votes were objected to previously; where had that Scotch gentleman travelled to from Dunbar?—To Bolton.

2067. What is the distance?—It is under 200 miles.

2068. Could he attend the revising barrister's court and return to his place in Dunbar in less than three days?—No; I daresay it occupied him three days.

2069. What was his occupation?—He was a gentleman of property.

2070. With regard to the case of a professional man, would it be reasonable that he should be required to travel such a distance as that, and waste three days of his time, receiving only three guineas for his labour?—No, certainly not.

2071. Do you think that he should be entitled to costs, not exceeding the actual expenses incurred, and compensation for loss of time?—I think there should not be too heavy penalties put on the objector if the objection is made *bonâ fide.*

2072. But might not a discretion be left to the revising barrister, he being confined by the 5th clause to "The actual expenses incurred and compensation for loss of time"?—I do not think it would be right to leave it to the revising barrister; I think I should make it compulsory on a certain scale, to be framed by the judges, as I have already suggested, because the power of imposing costs is capriciously exercised sometimes.

2073. But you would not draw a hard-and-fast line?—No, I think not.

2074. Was the Bill, which you once yourself prepared, printed?—No.

2075. You say I have been fortunate enough to hit upon some of the points which you suggested?—Yes; they have been grievances for a long time.

2076. Which clauses of my Bill do you refer to as conferring remedies for grievances which have existed for a long time?—I approve of part of the 5th clause, only I should remove it out of the discretion of the revising barrister to award those costs.

2077. You say that you would have a scale of costs laid down by the judges?—Yes; I approve of the 6th clause, which says, "The revising barrister shall, on the revision of any register or list, have power, in case of objection, to make any alterations or amendments whatever, provided that no new qualification be inserted."

2078. Then with regard to the 7th clause; would it not be desirable to give power to persons taking an interest in the list of voters to obtain a copy of the list through the post, instead of applying for it personally?—Not gratuitously.

2079. But on the payment of a reasonable fee?—Yes; practically that is so now; we never find any difficulty in obtaining copies of the register.

2080. But there are cases where it is very difficult to get them, where the overseers are strong partisans, are there not?—I think in every case the overseers should be bound to furnish the list on payment of a reasonable sum.

2081. You have stated that very often overseers make very defective lists?—Yes.

2082. You are aware that the jury lists are now verified by the overseers on oath?—Yes.

2083. And their rates also?—Yes.

2084. Would it be reasonable that they should verify in like manner the lists of voters prepared by them?—Yes, I think so. I approve of the 8th clause; I think that if the overseers had to make a statutory declaration that to the best of their belief the lists were correct, it would make them more careful.

2085. That you think from your practical experience?—Yes; as I have already stated, the more form you add to matters of this kind the more carefully they are done.

2086. Then with regard to the 9th clause; would it be an advantage that any person authorised by the ratepayers should be permitted to inspect the list?—Yes; I think that the greatest publicity should be given to the valuation lists, though practically I never found any difficulty. My own opinion is that the valuations ought to be open for the inspection of anyone who wished to see them.

2087. You have already expressed your approval of the 10th clause, have you not?—Yes.

2088. Did you hear the evidence of Mr. Freeman that they only had 17 revision courts in the West Riding of Yorkshire for 44 polling places?—Yes, I heard that statement, and I was rather surprised, because I was under the impression that the law was imperative on that point.

2089. At all events, you think it is desirable that it should be made imperative, if it is not so?—Yes, if there are sufficient voters to form a

Mr. *J. B. Edge.*

27 May 1870.

polling district, there are sufficient voters to form a revision court.

2090. Mr. *Pell.*] With regard to costs upon objections to new claims, you say that you would not give costs, do you?—No; and as a rule, costs are not given now.

2091. A claim is often made now in a very loose way under the 3rd column, and the description of the qualification may be very vague, may it not?—Yes.

2092. Do you not think that there is good reason for objecting to every new claim, in order to draw out the particulars of the claim?—Yes, certainly.

2093. It would hardly be reasonable to suggest the payment of costs in that case, would it?—I think it would be very unreasonable, indeed, to make the objector pay, because I think he does his duty to the community.

2094. In order to draw out the truth?—Yes, in order to draw out the truth. The register would be over-ridden with fictitious claims in our district if it were so.

2095. Are you a registration agent yourself?—I have both conducted registration matters in the county, and I have gone on circuit with the barrister.

2096. Have you a practice in your county of meeting the professional gentlemen who represent the opposite side of politics, and exchanging guarantees with them, saying, "Here is a claim made by Mr. So-and-so; is this an honest claim, or shall we go into court, and bring him to the test"?—That is very seldom the duty of the advocates. The agents generally interchange cases of that kind. It has been the practice, where it has been well known that "A.," a gentleman on our side, has really a vote, to say, "A. has a vote on our side, and B. has a vote on your side; and if you will withdraw your objection against A., we will withdraw our objection against B."

2097. So that although as a rule objections are made to every new claimant, a great many of them are got rid of by an arrangement behind the scenes between the professional men?—Yes.

2098. You only bring to the test of the court those men about whom you really have a doubt?—There are some cases about which neither side has any doubt, but they say, "If you will allow A., I will allow B.," and the men go on the register, neither party having the right to vote at all.

2099. A kind of equation, in fact?—A kind of equation.

2100. Lord *C. J. Hamilton.*] You have stated that you thought the overseers should have no power of objection except in cases of death, and that the list of objections might safely be left to the two political parties?—Yes.

2101. But are you not aware that in some counties there are no political organisations whatever?—Yes; but if a person had to prove his claim before the revising barrister, that would have a tendency to keep the list pretty pure.

2102. But suppose there was no political agent on one side to object, fictitious claims would remain on the list, would they not?—Yes, under the present state of the law; I have been told with regard to places where there is no political organisation, that there have been as many as 6,000 or 7,000 fictitious votes on the list.

2103. I know three clerks in Dublin who are on for 17 different counties, in which they have not an acre of property, and that might happen in England and Wales, might it not?—Yes; I can give you an instance where the agents on both sides, and their clerks, are on the register, and none of them possesses a shilling's worth of property anywhere.

2104. With whom would the objection to those persons lie?—With anyone; anyone already on the register might make an objection; but nobody has any interest in doing it.

2105. Mr. *Wynn.*] You would give the revising barrister power to make amendments at his court in the qualification; how would you protect the register in that case against fictitious qualifications being inserted?—Because the revising barrister would only make alterations on evidence being tendered before him; of course he would see whether the voter had a vote or not at the time the vote was proved.

2106. There being no notice given that the voter intended to make a fresh claim before the revising barrister (which it would be to all intents and purposes), there would be no means of rebutting that evidence, would there?—Yes, the voter would make a reclaim, in the form which I have already alluded to, showing for what property the reclaim was made, and what it was in substitution of, and that reclaim would be published along with the other claims; any person could object to that.

2107. I understood you to suggest that a person might be allowed to make a re-claim without any notice being given of it?—No, not at all. I would publish them just like the others.

2108. *Chairman.*] Is there anything you wish to add?—I may add that I think if an assistant overseer was appointed in each union to make out the register of voters he might also make out the jury lists, and superintend the collection of the rates, and to all intents and purposes he would then be a permanent paid overseer. His appointment should be during good behaviour, so as to make him independent in his office.

Tuesday, 14th June 1870.

MEMBERS PRESENT:

Mr. Wentworth Beaumont.
Mr. Henry Robert Brand.
Sir Edward Colebrooke.
Mr. Cross.
Mr. Algernon Egerton.
Lord Claud John Hamilton.
Mr. Andrew Johnston.
Sir Harcourt Johnstone.
Mr. Knatchbull-Hugessen.
Mr. Pell.
Mr. Clare Read.
Mr. Richards.

E. H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

MR. JOSEPH PARROTT, called in; and Examined.

Mr. *J. Parrott.*
14 June 1870.

2109. *Chairman.*] ARE you an Election Agent, or have you been an election agent?—Yes, I have been an election agent.

2110. In what district do you reside?—I reside in Buckinghamshire, close to Aylesbury; I am a solicitor in practice at Aylesbury, but I do not reside in the town.

2111. Have you acted as agent for one political party during many years past?—Yes, for many years past.

2112. Without asking you any detailed questions, have you formed any opinion with regard to the way in which the present registration laws work?—Yes; I have always had an opinion that, with regard to voters in counties, the same powers should be given to the overseers of making out the list of parties entitled to vote, whether as owners or occupiers, as they now have in boroughs.

2113. You think that the powers of the overseers in counties are now defective in that respect?—In that respect I think they are.

2114. Will you kindly explain to the Committee how you think they are defective?—In a borough an overseer is bound to make out a list of all persons entitled to be on the register; I do not see any reason why the overseers should not have the same powers in counties; why should greater difficulty be thrown on a person who is a county voter than on a person in a borough.

2115. You think that the overseers should put everybody on the register without his claiming, I suppose?—I do.

2116. You see no difficulty in such a self-acting system then?—No.

2117. Do you think that the present overseers are a competent class of persons?—No, not without supervision.

2118. Would you increase their duties, and at the same time give them some supervision?—I think the present overseer with the assistance of some person acquainted with the different properties in the various parishes, might once a year bring their rate-book to the clerk of the peace, or the clerk of the union, or the clerk of the magistrates, and that he, with the overseer, could make out the list.

2119. When you speak of some competent person to supervise him, have you any particular officer in view?—No; there are various constituted bodies; it is entirely a matter of opinion; there is the clerk of the peace, there is the clerk to the magistrates, and there is the clerk to the guardians; I think either of those parties would be a fit person to undertake this duty.

2120. What competent person do you think could be found likely to be better acquainted with the properties in the several parishes than the overseers themselves?—The overseers in many cases are hardly sufficient judges of what parties to put on the register; but there is a very great improvement of late years by the valuation lists which are now made; they are a great assistance; but I do not think that the entire register should be entrusted to the overseers.

2121. But if it only requires some more competent person to assist him in the performance of the duties you have named, do you see any reason why those duties should not be entirely trusted to that person, without the interference of the overseer?—No, not at all; I only took the overseers as an existing body.

2122. Supposing some competent person, such as the assistant overseer, or any person qualified to perform such duties were appointed; do you see any reason why the office of parochial overseer should not be abolished altogether?—You have the further question of the collection of rates.

2123. That would involve a collector?—Yes.

2124. But he might be called an overseer, or he might be called a collector, might he not?—Yes.

2125. But *quâ* registration duties, if you are compelled to call in a more competent person, do you see any reason why the existing overseers should have anything to do with the matter?—No, not all.

2126. Do you think that the clerk to the guardians should supervise the assistant overseer, assuming that he is a competent person, or do you think that the work should go straight from the hands of the assistant overseer to the revising barrister?—We have to avoid the name of any particular individual appearing on that list for a great many parishes; we know that it is sometimes the case that a man has property in 10 or 15 parishes; then if it is the duty of the overseers to place him on the list, he will appear on the list in 12 or 15 parishes; and by way of avoiding that, I think it would be desirable for some one to have supervision over a certain area, to correct

Mr. *J. Parrott.*

14 June 1870.

the lists before they go before the revising barrister.

2127. But the competent person of whom you speak, and whom I will provisionally call the assistant overseer, would be not an assistant overseer for one parish, but for a number of parishes, would he not?—I had concluded that he was to be the assistant overseer for one parish only.

2128. Would you not think that an assistant overseer should be appointed for a union, or a number of parishes together, as is the case now in many districts?—Yes.

2129. Would you make the appointment compulsory?—Yes; I think uniformity is a great thing throughout the country, and I should say that would be better.

2130. Are you of opinion that such duties as those of valuation as well as those of registration might be done by the assistant overseer, and that so his appointment in the long run might be really a matter of economy?—It is quite possible.

2131. Now coming back to a former question, do you think that the assistant overseer's work might go straight from his hands to the revising barrister, providing he was acting for a district and not for a parish?—Yes; I think so.

2132. With regard to duplicate voters; of course in a union attended to by an assistant overseer, that officer would be able to know and place before the revising barrister the duplicates?—Yes.

2133. Do you see any great difficulty in the different assistant overseers of different unions comparing notes before the revising barrister holds his court, and so bringing before him at once the whole of the duplicates in the county?—I think the question of the different officers of the different unions is hardly a matter, if I might venture to say so, that the Committee need trouble themselves with; I think that the number of cases in which there would be duplicates is hardly worth the consideration which you are giving to it. If the assistant overseer in his own district takes care that all duplicates are omitted, then if it does happen that duplicates occur in another division, I do not think that is very material; if he excludes all the duplicates in his own district that is sufficient.

2134. Would you propose to give the assistant overseer, or rather would you give the revising barrister, power on his application to exclude all duplicates?—Yes.

2135. Would you give a voter the privilege of being on the register more than once; do you agree with previous witnesses in the opinion that they would let a man be on the register twice, because if he parted with one property he might lose his vote entirely, unless he retained his vote in respect of another property?—Yes, I do agree with that opinion.

2136. But you would not extend that privilege beyond the name being on the register twice, I suppose?—No, you must make some limit whether twice or three times.

2137. Do you agree with the general evidence that has been given by the witnesses who have been examined before this Committee, that the list of owners in the rate books now is very inaccurate?—No doubt.

2138. Are you of opinion that if a system was introduced by which the rate should be divided between the owners and occupiers, giving the owners an interest in seeing that their names should be on the rate-book, or rather, giving an interest to persons who were not owners in seeing that their names were not inserted in the rate-book, would lead to greater accuracy in that column?—I do not know with regard to the question of rating the owners and occupiers, I should wish to keep free from giving any opinion, but my opinion is, that the valuation lists, as now made out by the overseers (and I may perhaps particularly refer to the small rural parishes), are mainly correct; in towns you will find many more inaccuracies; but I think I could venture to say, that in the three or four little parishes, in one of which I live, every owner is known, and that the lists could be made perfectly correct.

2139. From your experience as an election agent, do you think that the system of making frivolous objections prevails very largely, or do you think that insufficient encouragement is given to objectors?—Not in our district.

2140. You are satisfied with the present system for making objections, if I understand you rightly; do you think that sufficient encouragement is given to persons objecting to a voter, to ensure a pure state of the register?—Yes, I think so; I do not think there is any necessity for further powers.

2141. Take the reverse case; do you think that voters are at present exposed to unfair and frivolous objections to any great extent?—Of course there have been cases, as we know, of that kind, but my opinion is, if an objection is made to a voter, and if that voter will go before a magistrate, and make a declaration, that the objection is groundless, and stating what his interest in the property is, and send it to the clerk of the peace or some person, and gives notice to the objector that he has so done, then the objector, if he persists and fails, should be liable to costs.

2142. Do you think that a voter would be likely to sign a declaration before a magistrate with due consideration, and not merely upon the advice of an election agent, just as he now signs the claim without thinking much about it?—I think many voters would not take any trouble about it.

2143. Would there not be a danger of persons not accurately knowing their own interest in a given property, signing a declaration which, as a matter of fact, might be false, though they did not intend it?—That would not prevail to any great extent, I think.

2144. Would it be safe to establish that system and not submit the declaration to the scrutiny of the revising barrister?—I would submit the declaration to the scrutiny of the revising barrister.

2145. Would you have the voter there to substantiate his declaration?—That point has not occurred to me.

2146. If you had the voter there to substantiate his declaration before the revising barrister, would not the declaration be rather surplusage?—Yes, it would.

2147. Then you are not sure, perhaps, that the declaration would be attended with so much advantage?—No, I am not.

2148. May I take it that with regard to the claims and objections you agree with the majority of the witnesses who have been examined before the Committee in thinking it necessary that some fixed date should still remain, after which no claims

claims or objections should be sent in?—Yes; I think there must be that provision made.

2149. Now, with regard to the costs which are given by the revising barristers, in your experience have you found that the amount of costs generally given has been sufficient?—Yes, I think so; but there has been very little of that in our county.

2150. Would you extend the power of the revising barrister with regard to giving costs?—I think I should leave it to his discretion.

2151. Have you generally found that the discretion of the revising barrister has been so exercised as to satisfy the fair exigencies of the occasion?—Yes, I think so.

2152. Have you read the Bill which has been brought in this Session to amend the laws with respect to the registration of voters in counties?—No, I have not.

2153. Have you had any complaints about the holding of revision courts at an insufficient number of places in your county?—No; and I may say that the number of places has recently been increased materially.

2154. Have you got now existing a political registration society on each side?—No; not for the last three or four years.

2155. You had previously to that time, I suppose?—Yes.

2156. But they have been discontinued, you say?—Yes; there has been a kind of truce between the parties in the county.

2157. Have you turned your attention to this point, whether the lists have been becoming more inaccurate?—There is no question about it; since the supervision has been discontinued, there is no doubt that the lists are more inaccurate than they were.

2158. Do you think that there are faults in the present system which become apparent where political organisations do not exist?—Yes; undoubtedly the register is not so correctly kept.

2159. Can you point out to the Committee any other improvement which you would suggest by way of overcoming that difficulty?—The appointment of a person to superintend it, without reference to either party, would materially improve the present state of the register, I think, where it is incorrect.

2160. Do you think the appointment of an assistant overseer for each union is the principal remedy for any fault in our present registration system?—I think the appointment of some person whose duty it should be to make out the list both of owners and occupiers for counties under whatever name, is the great point.

2161. Mr. *Brand.*] You said that you thought the assistant overseer should have the same power in counties as in boroughs, or rather the same obligation to put on voters in counties as they have in boroughs?—Yes.

2162. But the borough qualification is only an occupation qualification, is it?—Yes, that is so.

2163. The county, of course, is composed of owners and occupiers?—Yes.

2164. Would not the assistant overseer find considerable difficulty in putting on all the owners in a county?—He would find some difficulty in some places; but I should give people an opportunity of claiming, if they were omitted.

2165. Would you compel a claimant in the first instance always to prove his claim?—He is not bound to do so now, unless he is objected to in counties.

2166. But in your opinion, should a claimant be compelled to prove his claim in the first instance, whether he was objected to or not?—Do you mean by personal attendance?

2167. Yes; do you think that he should always prove his claim before the revising barrister?—That is a difficult question to answer generally, because it is perfectly well known in a number of parishes whether a man has a good vote or not, and it seems a hardship to compel him to attend to prove that which is perfectly well known to the overseer of the parish.

2168. You do not think it is necessary that a claimant should always attend in the first instance to prove his claim?—No; I think not in all cases.

2169. Where would you draw the line between one case and the other?—There is a right of objecting that remains, and if a person makes an improper claim, it is competent for any one to object to it.

2170. A witness whom we had before this Committee on a former occasion, was asked at Question 1992, "Even in a case where his right might be notorious; say, that he was known to have 10,000*l.* a year; would you compel a man to attend and prove his vote in the first instance"; and he replied, "Yes; because, in such a case as that, the mere attendance to prove his claim can be no hardship upon the person for once; I am quite sure, from my experience, that there is no one who would object to that"; is that your experience?—No; and that is not my opinion.

2171. Mr. *Richards.*] If an assistant overseer were appointed for every union, perhaps the necessity would be still less in your opinion, for the qualification being always proved?—Undoubtedly it would, and the objections, I think, would be fewer.

2172. Mr. *Johnston.*] Do you not think that a good way of getting rid of duplicates would be to make the existence of a name twice on the register, a fair ground of objection, provided the revising barrister should always see that the name remained once on the register?—I do not see any objection to that; of course if a man's name appeared three or four times, and he had notice of objection, he would not attend; he would not care about it, he would say, "I am on for one parish."

2173. Do you approve of the suggestion that there should be permission to send claims in all the year round, provided the system of claiming be continued?—Claims are sent in now just before the 20th of July in counties.

2174. But do you see any objection to claims being allowed to be sent in all the year round?—I think there must be some fixed time when you must commence preparing your register for the year.

2175. But would there be any difficulty on the part of the overseer receiving claims all the year round and sticking them on a file?—I do not see how you are to complete the register if you are to have it constantly varying.

2176. I do not propose to interfere with the revision at all; all I ask is, instead of the time for sending in claims being limited from the 20th of June to the 20th of July, that you should be allowed to send in claims at any time in the year up to the 20th of July, and not afterwards?—I think it is better to fix the time. It is a point which I have not given attention to, but if they are sent in a long time beforehand they are apt to be mislaid.

Mr. *J. Parrott.*
14 June 1870.

2177. Do you see any objection to the proposed change, that the notice to the overseers of objections might be one notice for all the names in a given parish?—No, I see no objection to the proposal that one objection should include all objections in one notice; you may include four objections now to the overseer. I have done it repeatedly.

2178. You see no reason for limiting it to four, provided it is one objector applying to one parish, I suppose?—No, I see no reason for that at all.

2179. Sir *Edward Colebrooke.*] By whom do you propose the assistant overseer should be appointed?—If he is to be an officer in connection with the union, and he is to have any collection of rates, it would be better to leave it in the hands of the guardians.

2180. Do you propose that he should have charge of the whole of the duties that are now discharged by the overseers themselves, besides making the revision for the electoral lists?—I rather thought that was a suggestion of the honourable Chairman, that a person should be appointed who should collect rates over certain districts, and be a substitute for the existing overseers; it was not my suggestion.

2181. You think that it should be a parochial officer, and not a county officer, do you?—He would hardly be a parochial officer if he were appointed for many parishes.

2182. But would you rather have him appointed by the guardians than the counties?—I think that is immaterial. If he has the control of the money over which the guardians have control, it would be better, perhaps, that he should be appointed by the board of guardians instead of by the county.

2183. Do you think, from his local knowledge, that he would be able to supply information with regard to the actual owners of property?—I think he might, if he chose to give his attention to it.

2184. Do you think that he would give information that could be relied upon?—Yes.

2185. He might make out a complete list of the owners as well as the occupiers, might he?—There must be omissions in the list.

2186. But not mistakes, you think?—I think in the main there would not be mistakes.

2187. If he is an intelligent officer, and makes full inquiries, you think he might arrive at an accurate knowledge of the list?—Yes; my opinion is, in the main, that a person of that kind might make out the list with reasonable accuracy.

2188. Mr. *Pell.*] You are registration agent for Buckinghamshire?—Yes.

2189. I think that you said that every owner would probably be well known to the overseer of his parish?—He would be so, mainly.

2190. Now, are there joint owners of property?—Yes.

2191. Are those joint owners always found on the rate-book?—Not invariably.

2192. Then how would the overseer know them?—I am not saying that that system would be perfect.

2193. There might be a difficulty there you think?—Yes, there might be a difficulty there; but in the main I think the thing would be correct.

2194. I think you said that it would be perfectly well known to the overseer whether a claimant had a qualification, generally speaking?—Yes, generally, in small agricultural districts; in a large town or a city it might be different.

2195. Do you know how many qualification there are for a county?—There are freehol qualifications, copyhold qualifications, leasehol qualifications, and the occupiers' qualifications there are those four, I think.

2196. Should you be surprised to hear tha there are as many as 13?—They are not presen to my mind.

2197. Do you imagine that the overseers, as rule, in a parish, know which are the copyhol qualifications, and which are freehold qualifica tions?—I think they do, most of them; copyhol qualifications are now gradually dying out b enfranchisement, otherwise I think the ownershi is mostly known in a parish whether it is freehol or copyhold.

2198. But still copyhold qualifications exist —Yes.

2199. Even in the parish where you live?— Yes.

2200. Do you know the copyhold qualification in your own parish?—I know a good many c them, but not all.

2201. It would be necessary to make som inquiry, would it not, before the assistant over seer admitted a man's claim?—Yes.

2202. Would you impose that duty on him t go to the steward of the manor, and search th court rolls?—I do not think, practically, ther is much difficulty about it; I think the loca knowledge that the assistant overseer can get o the spot in the course of his experience is suf ficient; I think mainly that he could obtain knowledge of what the property is.

2203. Supposing parties to be very evenl balanced in a county, do you think you woul satisfy what would be required by strong par tisans on both sides, by leaving this matter in th hands of overseers?—I am not depriving ther of the power of claiming or objecting; if the as sistant overseer puts on a person who is dis qualified, it is in the power of others to object.

2204. They claim at present through the over seer?—Yes.

2205. Then, the virtue of the thing is in th objection, I take it; the objections have as muc to do with producing a true register as the claim have; the claims would be innumerable, woul they not, if there was no subsequent proceedin in the nature of an objection?—Yes.

2206. Then do you contemplate that the over seer, or the person who fills his place is to con sider the value of the objections as well as th value of the claims?—The overseer has nothin to do with the objections beyond publishing them

2207. But would you have him consider tha at all; I understood you to say that you woul let the overseer consider the value of the claim —I did not mean to state that.

2208. It is merely that the overseer is to receiv the claims, and that all the other proceedings ar to be as they are now?—Yes, all the other pro ceedings to be as they are now. With regard t copyhold qualifications, if you take the numbe of parishes in which copyhold qualifications exist they are few, comparatively speaking.

2209. That is to say in your own district?— Yes, I speak for my own district only.

2210. But you do not know anything of the East of England?—No.

2211. Mr. *Cross.*] You take things very quietly in Buckinghamshire, do you not?—Yes, we have taken things there very quietly for the last few years.

2212. I dare

2212. I dare say that your register is in a very bad state?—I do not think it is very complete now.

2213. I suppose you would be very sorry to undertake the duties of election agent in a strongly-contested county election?—I have done so, but it is not an agreeable post by any means.

2214. You are so quiet in Buckinghamshire, are you not, that you have hardly any practical experience of a great contest?—We have had great contests there, but they have subsided into returning two men on one side, and one on the other, and that keeps things quiet.

2215. Mr. *Egerton.*] Under the plan you propose, the register would be very much self-acting, would it not?—Yes.

2216. It would only be necessary for the claimant to come and prove his claim if he was objected to?—Yes.

2217. You are against the proposal that all persons should prove their claims in the first instance, are you not?—Yes; I do not agree to that.

2218. Suppose a claimant is objected to, and he proves his claim; it has been suggested by other witnesses to the Committee, that there should be another column on the register, giving the date on which the claimant proved his claim; do you think that is desirable, the object being, of course, to obviate to some extent the necessity of objecting to the claimant afterwards?—I do not attach much importance to that.

2219. It has been suggested that a claimant having proved his claim, the revising barrister should give the date of that proof in a column of the register, and "that any objection made within seven years after that date to the voter, should be capable of being answered by a statutory declaration, that the voter was still possessed of the qualification described in the register; that statutory declaration might be sent to the overseer, who should write the word 'declared' opposite the voter's name in the list of objections, and if the objection was not withdrawn within a certain time, then that you should visit the objection with extra costs"; do you see any objection to that?—None whatever.

2220. Do think that your plan of a self-acting register would obviate the present necessity for the operations of political organisations?—Not entirely.

2221. You think that they would still be necessary to a considerable extent?—Yes.

2222. Do you think that your plan would diminish seriously the number of objections?—Yes.

2223. *Chairman.*] When you speak of a self-acting system of registration, you would still keep up the revising barrister's court as a final supervising power?—Yes.

2224. When I use the word "final," I do not mean to say that there should not be an appeal from the revising barrister's court as there is now; would you leave the discretion with the revising barrister as it is now, with regard to whether he should or should not grant a case for an appeal?—I think on the whole I should.

2225. Mr. *Brand.*] Do you have in your place many fictitious claims sent in to you?—I am not aware.

2226. You are not aware, of your knowledge, whether fictitious claims are sent in to the overseers?—Not that I know of.

2227. *Chairman.*] Is there anything further that you wish to state to the Committee?—There is one point with regard to the time of registration; now it seems to me, particularly with regard to counties, very hard that a person taking a farm or occupying land at Michaelmas, cannot vote until two years and a-quarter; he must have been in occupation 12 months before the 31st of July; if he took a farm at Michaelmas 1869, he could not come on the register until the 31st of July 1871.

2228. That is to say, unless it was a successive occupation?—That is to say, unless it was a successive occupation: then the register is not completed until the 1st of December, so that, practically, it is two years and a-quarter before he can come on the register; it occurs to me that that is a very long time.

2229. Mr. *Pell.*] Are you aware of any self-acting machinery in the state which confers rights on the people; is there anything of the same nature as you suggest now, by which the social or political condition of a person might be altered or affected?—I think not; but I am hardly prepared to answer that question off-hand; every particular branch of jurisprudence must depend on itself; you can hardly say that you must follow other branches as a matter of necessity.

2230. *Chairman.*] Was it the custom in Bucks to make preliminary objections to all claimants?—No.

2231. I suppose you know that the custom of some registration societies has been to object, in the first instance, to all new claimants, and then, by a comparison of notes, to cut down the number of objections that come into court?—Yes; but wherever either party had had reasonable notice, or if we could assure each other that it was a good vote, we withdrew the objection.

2232. Mr. *Brand.*] That amounts to making all claimants prove their claims in the first instance, does it not?—That has not been the case in Bucks, but it is in some places.

2233. Mr. *Pell.*] I think you said that your register was becoming very rotten?—I said that it was becoming very inaccurate; I did not say rotten.

2234. *Chairman.*] Is there any other point that you wish to speak upon?—No.

Mr. Henry Udall, called in; and Examined.

2235. *Chairman.*] You have acted as Revising Barrister in more than one county, I believe?—Yes; both in North and South Durham, and of late years in South West Lancashire.

2236. In South West Lancashire has there been, during the years you have been acting as revising barrister, a political organisation at work on either side?—Yes; a very perfect one.

2237. And was it the same in North and South Durham?—Yes; it was very perfect indeed, in all of them.

2238. I suppose you have not acted in any county as revising barrister where there has not been some political organisation?—No.

2239. Have you studied the registration laws?—Yes; from the very earliest time. I was a first

Mr. *Udall.*
14 June 1870.

first-class prizeman in constitutional law very early in life, and I have paid great attention to the registration law from the time immediately after the Reform Bill and the Registration Act.

2240. During your career have you found any particular point in the registration laws which, in your opinion, requires amendment? — There might be a great many things improved, it appears to me. I should like to suggest such things as appear to me practically to require alteration; I may make a mistake as to whether they are improvements or not, but I will mention a few of them. The first thing is about the amendments in the lists that come before the revising barrister; I think the power of making amendments ought to be very much larger than it is.

2241. You mean the power of amendment by the revising barrister?—The power of amendment by the revising barrister; in fact, I rather think that to most of us wishing to carry the law into effect, the true law of all revision is to put as many persons on the register who are entitled to vote as possible, so that you do not get any on the register who are not entitled to vote; we have exceeded in some respects, I fear, the actual letter of the Act of Parliament, and, I think, we should have full power to make amendments. Take an instance which is a grievance: very early in the history of registration, there was a decision of the Court of Common Pleas, that you could not amend the third column by changing the words "house in succession" to "houses in succession." I could never quite follow the decision in that case, and many of the judges have since tried to prevent its working unjustly by getting a sufficient description in the fourth column so as to refer it back to the third column. Now, the object of registration in counties is to make a permanent register, and not for the particular year only, and supposing you have not the words "houses in succession," you cannot amend the registrar at all, because that is altering the qualification, you must have both the places where persons come in under the Chandos clause; if both places are not named you cannot amend the register by putting them in; although the man uses actually the words in the third column "house in succession" you cannot put "houses in succession"; that works very unjustly indeed. My opinion, therefore is, that the power of amending ought to be very large for such purposes as that. That is only one instance: I would therefore give the revising barrister such powers that he should in his discretion make any amendments for the purpose of getting as many persons on the register as possible, so that he sees there is no fraud in making a claim, and so that the party who looks at the claim should know exactly what is meant by it.

2242. Now, taking into consideration the principle which you express as that which generally guides revising barristers, is it your habit in your court to require strict legal proof on behalf of every claimant, or have you been rather in the habit of taking the statements of persons that you rely on, and letters from persons entitled to credit, so as to afford the widest possible door for the admission of persons on the register?—I have admitted every kind of evidence that I thought reliable without requiring strict proof. I did that very early in my career, when I went into a county where claimants did not obtain costs. I now take more care that the evidence should be as satisfactory as possible, because in the counties that I revise we give costs in cases of claimants.

2243. But do you think it possible to draw any stricter rule than is now drawn by the law, or do you think that that wide discretion should be left to the revising barristers with regard to the evidence taken?—My opinion is, that the revising barrister should have the widest discretion, and that he ought to obtain the honest testimony of every person in favour of or against a vote.

2244. Now, with regard to persons coming before you for the first time; if there is no objection do you as a matter of course admit them?—Yes; that is the system of county registration.

2245. Do you think that that is a satisfactory system, or does it open the door to persons coming on the register who may not be duly qualified, but who, from various circumstances, may have escaped objections?—As far as my experience goes I do not believe it leads to persons getting on the register who otherwise would not get on. I examined that very carefully in North and South Durham. A few may have got on the register that ought not to have got on, but I have often examined this matter, and I did not find they were struck off, although they were afterwards objected to. The plan at one time was to make an objection to all persons who were claimants, and then they had to prove their vote, but since the system of costs has been adopted in Durham and South West Lancashire I do not think we see that any persons have got on the register that ought not to have got on.

2246. Now does that result, do you think, from the action of a political organisation watching over the claimants before they come into your court?—That, no doubt, has a good effect.

2247. Supposing those political organisations were absent, is there anything to prevent the overseer by guilty connivance putting any number of persons on the register, provided the barrister acted on the principle of admitting anybody that claimed, and was not objected to?—It has never to my knowledge been acted upon in places where there is no political organisation; in some parts of Northumberland there is none, and I have never heard that it has been acted upon there.

2248. I suppose you have never acted in any place as a revising barrister where there has not been a political organisation as well?—No.

2249. Therefore you will see that the perfection of the system, or the merit of the system to which you bear witness, is in a great measure owing to the action of the political organisations, and which is controlled by a good revising barrister?—Certainly it has been of the greatest use in the revising barristers courts, and we have found the most valuable assistance although there has not been any political object in view.

2250. Do you think it is well that a claimant should be allowed, considering, of course, the possibility of the non-existence of those political organisations, to come on the register for the first time without proving his claim?—My opinion is that he should not be compelled to prove his claim; I do not think that persons put forward claims to any extent who have no right to do so; it gives them trouble, and it gives other persons trouble; I can understand a bad system in any particular place or for a particular purpose, for one year, but it would soon be looked after, and found out.

2251. Do you think that it would be safe to leave

ve the control of such a system to the chance those political organisations existing to super- e it?—Yes, I have found that so, and I believe it there is a thorough control.

2252. You think that a person should not be led upon to prove his claim, in the first in- nce, the objection, if made, being, of course, t which would necessitate his proof being ren before the revising barrister?—Certainly, at is my matured opinion, and that was the inion of one of the oldest revising barristers, Mr. eedes, who thought there would be a great ob- ction if a person was called upon in the first tance always to prove his claim.

2253. Will you now be kind enough to con- nue your remarks?—The next point that I wish speak to is the matter of appeal. I would give appeal in all cases as a matter of right.

2254. At present it is left to the revising bar- ster's discretion, is it not?—Yes.

2255. Do you give that opinion from any cir- mstances that have come to your knowledge of ny appeals being refused?—Certainly; I had eard of refusals of that kind before I was ap- inted a revising barrister, and since that time here I think that, in the exercise of a wise discre- on, an appeal ought to have been allowed.

2256. Do you think that the costs which would e necessarily incurred by persons carrying an ppeal to a higher court, would be a sufficient uarantee against foolish appeals?—Certainly; ut we should have to attend to them, and we hould have to make some machinery that would heck frivolous appeals; they would not go to the Court of Common Pleas.

2257. Could you do that by compelling the erson who made the appeal, to give a certain ecurity?—Yes; I would say let him deposit small sum in the Post Office Savings Bank; I hink 5 *l.* or 10 *l.* would be enough. Of course the appeal is granted, that would not be required; ut if the revising barrister does not see fit to do o, I would give the appeal as a matter of right, y making that deposit. It appears to me that hat would be a sufficient check against frivolous ppeals.

2258. Will you kindly proceed to the next oint?—There is another thing; I would in ases where the Court of Common Pleas decided gainst the revising barrister, give an appeal to he Court of Exchequer Chamber. I mention his for a very special reason. In the county of Durham of late years, and in South West Lanca- hire and I believe throughout England, it has een the continued custom on both sides in poli- ics, to put on the register persons who belong to uilding societies, generally called mortgagors; hey are in fact both mortgagors and mortgagees; hey are interested as mortgagees in the result f any fund that may arise. Now, I believe that ome of the judges in the Court of Common Pleas ave very great doubt on this point at this moment. For a great number of years mort- agors of building societies were not admitted on he register, because it was said that the periodi- al amounts that they pay, although they are, in act, repayments of the borrowed money as well s the interest, are charges upon the property, nd as they amount to a larger sum than the an- ual interest in the land, it was held that there as an annual charge upon the property larger han any interest which they had in it. That uestion came before the Court of Common Pleas hen the late Chief Justice Erle was in court. The case was very specially stated, and the old cases were practically overruled; but during last year there was a case twice argued in which no judgment has been given where the judges of the Court of Common Pleas seemed to have a very great difference of opinion on that point.

2259. You would give an appeal from the Court of Common Pleas then?—I would give an appeal when the decision of the Court of Common Pleas is against the decision of the revising barrister.

2260. Now, do you recommend, as has been suggested by some of the previous witnesses, that the Court of Common Pleas should have the power to frame rules for the guidance of the revising barristers?—I do not think that they would be a very good body for that purpose; if rules were to be made it would be a good deal better to have a committee of the revisors themselves to do it; on all questions of pure law you have it from the court, but in questions of practice you would do well to have rules made by the barristers themselves, if it is necessary; I do not express an opinion on that point, but a committee of revising barristers would be better to frame rules, and submit them to Parliament.

2261. Is it within your knowledge that there has been such a difference of opinion among the revising barristers in their decisions on one and the same points, that it would be desirable to secure uniformity by any rules laid down in some way?—If certain points are not settled by any Acts of Parliament, it seems to me very desirable that that should be done; no Act of Parliament could perhaps make a perfect system without something of that kind, but I allude particularly to the question of costs.

2262. But you think that the Court of Common Pleas is not the most efficient body for framing rules for the guidance of the revising barrister?—I do.

2263. Do you think it would be well that a scale of costs should be laid down by some authority?—Yes, but that would depend, in some respects, on a thorough knowledge of all England; the cost of a labourer or mechanic is much larger in one place than another; in South West Lancashire the wages are high.

2264. On what principle do you frame your scale of costs?—I think that, if a person has been brought into court to support his right, and he successfully supports it, he should not be put to any personal expenses from a wrong opposition. If he is a mechanic, give him rather above a day's wages; in the case of other persons, I do it in the same way. Those gentlemen who were associated with me last year in South West Lancashire, after consideration, went through and settled the scale of costs in particular cases, first to labourers or skilled artisans, and then to farmers, traders, and so on.

2265. Must not that necessarily vary according to the circumstances of each case?—Not in each case; they are very small matters.

2266. Do you look at the amount of inconvenience to which the voter has been put, or the amount of reason that the objector may have had for making the objection in the first instance as the criterion of the costs?—When there has been any reason for an objection, I would not give costs at all.

2267. But suppose a person was objected to, and he was a man who had a perfectly good claim; if that could not be decided until some point of law had been decided, what would you do in that

Mr. *Udall.*

14 June 1870.

case?—I should not give costs at all then, because that is a proper case to come before the revising barrister, and very probably before the Court of Common Pleas. There is no wrong done by the objection; it must be a groundless or frivolous objection for me to give costs.

2268. Without that you would not give costs, I suppose?—I would not. I believe my friend the Recorder of Manchester, when he was revising South Lancashire and Yorkshire, gave costs to follow the event in all cases.

2269. Then you do not think that it would be at all safe to lay down as a general rule that the costs should follow the event?—No.

2270. Would you preclude them from having their costs if they were claimants in the first instance?—Certainly not.

2271. That is the rule in many of the revising barristers' courts, is it not?—Yes; but it is contrary to the Act of Parliament.

2272. Would you lay down a rule that would render the decisions of revising barristers uniform in this matter?—Yes; that could be done by Parliament.

2273. If a man has claimed, and has a right to his vote, do you think that he should give sufficient notice to the objector, who may have had a doubt, but that if he has given that notice, and if the objector chooses still to proceed, the fact of a claimant claiming for the first time should not debar him from obtaining costs?—If I found a claimant had been applied to to state what the qualification was, or the time when he had come in possession of the freehold, and he refused to give information to the objector, I would certainly never give costs.

2274. But if the claimants, having given the information to the objector, the objector perseveres, you would not allow the fact of its being the first claim to debar the claimant from obtaining costs?—No, certainly not; according to the law there is no distinction made, except by the Statute of 1865, by which you are compelled to give costs in all groundless objections made to persons on the register; you are forced to give costs in all groundless cases as to the particular column objected to, although you decide against the vote on other grounds.

2275. Now, it has been stated by several of the witnesses who have been examined here, that they think a claimant should be allowed to make a declaration before a magistrate, and thereby obtain his vote; do you think, from your experience of the class of persons who are in many counties claimants, it would be safe to trust to their signature without submitting that declaration, before the magistrate, to the test of a legal mind?—Certainly not; my opinion is, that it would lead to impurity, or false statements in various ways; I certainly think you might fairly do this: when a person is objected to, that person might go before the magistrate and make a declaration of what his particular qualification is; I mean, that he should make it in the nature of an affidavit, whatever the form might be, and he might then throw the onus on the other side to prove that he was not qualified.

2276. But would you have him come before the revising barrister to prove that declaration?—No, that would go to the clerk of the peace.

2277. But if you had the bare declaration before you, without the person himself, how could you ascertain that he had not given an inaccurate description of his interest, or that he was not unintentionally signing what was not true?—I suppose, as a general rule, he would be assis by a person who would be competent to st the legal qualification, and if he does tha would shift the onus; but if he had stated t which is insufficient to prove his vote, I wo give power to the objector to compel him to co before the revising barrister to be examined v regard to the declaration.

2278. Would not a simpler plan be, to h the claimant himself before you in lieu of a claration or statement, in the first instance?— person may think he has a good ground of jection; the objector is either satisfied or dissa fied; if he is satisfied, then the vote is allo as a matter of course; if he is dissatisfied, finds out that the man, though he has made statement, has not stated what is true, I wo let the objector call him before the revis barrister, at the risk of costs.

2279. Now, take the case of a man who si what he believes to be quite true, but wh from his ignorance (which, according to the dence before us, is frequently such that it mi happen that he gave a wrong description of interest), is quite wrong; the objector, believ in his honesty, is satisfied; but the revising b rister, if he had an opportunity of examining claimant, would find that he had made a wr declaration; would it be a satisfactory state the law that, owing to the absence of such an quiry, that man should come on the register If there is any doubt, directly a special desc tion of the property is given, the objector co go and see if the description was right, and might then call him before the revising barris at the risk of costs.

2280. You think practically that anot scrutiny besides that of the revising barriste equally as good as that of the revising barris himself, do you?—No; I do not think that.

2281. You would be satisfied with the objec being satisfied with the declaration of the cla ant?—That is so now; a person makes a cla and goes on the register, if not objected to, a matter of course; that is the very theory of Reform Bill as to county registration.

2282. But is that satisfactory, do you thi —I do not think that persons have got on register to any great extent that ought not to there; that is my experience.

2283. I think I collect from you that you satisfied that that declaration might be mad useful agent in registration?—I think it mig for the purpose of preventing persons being cal from their homes to attend the revising barriste court; but I would not compel claimants to ma that declaration before they went upon the gister.

2284. You think it would be a hardship o person to be compelled to prove his claim in first instance?—It is the greatest possible di culty to get them to prove their claims at a you must almost pay them for loss of time; L Stanley once said it was remarkable what a nu ber of persons had a right to be on the regis that never got there at all, even with all the cilities which they have.

2285. Have you often been in the habit giving the maximum costs allowed by law?—N only in one case.

2286. Would it, in your opinion, be well increase the power of giving costs?—I think might fairly be increased to 10*l.*; I have kno perso

ersons who have been objected to a year or two n succession, because they lived at a very con-iderable distance, and that it would cost them so nuch to come and prove their vote; in cases of that kind the revising barrister might be trusted to give larger costs.

2287. Take this clause in the Bill, introduced during the present Session, "In case any objection to any person on any list or register shall not be sustained, the revising barrister shall award costs to the person objected to, such costs not to exceed the actual expenses incurred, and compensation for loss of time"; would that be a desirable clause, or would you rather leave it to the discretion of the revising barrister in each case?—That lays down the principle that I, and the revising barristers who were with me, have acted upon.

2288. The next clause in the same Bill you would approve of, I suppose: "The revising barrister shall, on the revision of any register or list, have power, in case of objection, to make any alterations or amendments whatever, provided that no new qualification be inserted"?—I agree with that.

2289. That would carry out your view already expressed, would it not?—I think it would.

2290. Will you kindly proceed to the next point?—I think, with regard to the time of registration, it ought to be the same both in boroughs and in counties. In boroughs it is between the 15th of September and 31st October, and in counties it is between the 20th of September and 31st October. Many revising barristers revise both boroughs and counties, and I think it would be very desirable to have the same days. The 15th of September would be a very good day to begin upon in counties; towards the latter end of September there are dark nights. In Durham there were great distances to go, and claimants and others would not get home at times until very late at night. The next point is a point that a learned friend of mine suggested in his evidence as to borough registration (Mr. Leofric Temple), that is with regard to the appointment of revising barristers; he was of opinion, and I have been long of that opinion, that it would be a very judicious thing to have the appointment of revising barristers in the spring circuit rather than in the summer circuit, because then there is a definite authority to apply to if any difficulties arise. If the revising barrister is appointed in the spring circuit, from the time of his appointment up to the time of his revision he might be applied to by any persons interested in the revision; he might be applied to by the clerk of the peace, for instance.

2291. Mr. *Cross.*] You would make the revising barrister a standing counsel, so to speak?—He is going to revise that part of the country, and if he is asked any particular question about the coming revision in the various lists he would advise what he considered would be practical and reasonable. That would give him a little more trouble, but it would be a very good thing. Mr. Leofric Temple is one of the oldest revising barristers on the northern circuit.

2292. *Chairman.*] You would keep the appointment of the revising barristers with the judges on circuit, would you?—I have not been able to see that it could be more satisfactorily done than it is at present, though no doubt there have been objections taken.

2293. With regard to the time for sending in claims; it has been suggested that claims should be allowed to be sent in up to the last moment: but are you, or are you not, of opinion that a fixed date is necessary, both for claims and objections?—I think there should be a fixed time for sending in claims; but I was going to say that the dates might be altered. At the present time the first act is done on the 10th of June. It appears to me that if the overseer in publishing his 12 *l.* list was to publish it at the same time as he publishes the notice to send in the claims, then all objections, whether to the property qualification, or to the 12 *l.* list might be sent in together; you would not want to alter those dates if he pulbished on the 20th of June the list of the 12 *l.* occupiers; then, if that was done, the omitted claimants on the 12 *l.* list would send in their claims, and then they might all be objected to together. The only objection to that is that it would necessitate some little alteration with regard to the time for the payment of rates and taxes; but as now the taxes are collected so early in the year, practically the effect would not be inconvenient so far. There is another thing, that is to say, the qualifying day at the present time is the last day of July; I do not see why it should not be the last day of August if you want to get all qualified persons on the register.

2294. Do you mean by that that claims should be permitted to be sent in up to the last day of August?—No, the qualification of persons now under the Chandos clause, is 12 months ending on the last day of July, and in freeholds it is six months in possession of a freehold ending on that day; I have seen some very considerable inconvenience in the north so far as freeholds are concerned; a day or two more would often have given a person a vote if the revising barrister could have entered into the question of a later date.

2295. Will you be kind enough to proceed with your observations?—There is the 12 *l.* qualification clause, and, of course, that is very important; I have suggested before that the overseer might as well make out the list on the 20th of June, and publish it; but a great deal has been said about the 12 *l.* list, as to whether you ought to have the whole of them published, that is to say, to have a double entry; I think there would be great difficulties if the overseer was not to make a double qualification; but it appears to me that a great deal of the difficulty might be got over if he, knowing that he was putting on a person double, put the word "double" at the side; so that one or other would be sure to be struck of by the revising barrister; it has been suggested that the overseer should not put a man on the list if he is otherwise qualified; but there is considerable difficulty about that, because this list is published at a time before the objections; his property qualification may be objected to, or his Chandos clause qualification may be objected to, and if the overseer did not put him on the 12 *l.* list he might lose his votes altogether.

2296. Have you generally found overseers competent persons?—In towns I have; some of them are very skilled indeed; but no doubt in country places they give a good deal of trouble; I am speaking of assistant overseers, when I apply the term skilled.

2297. My question related to parochial overseers as distinct from assistant overseers; what is your opinion about them?—I think as a general rule the overseers have not been qualified persons.

Mr. *Udall.*

14 June 1870.

2298. Do you agree with the general opinion which has been given by the election agents who have been examined before this Committee, that it would be desirable that this work should be transacted by a class of assistant overseers as distinguished from parochial overseers, and that to effect that alteration the appointment of assistant overseers should, if possible, be made general throughout the country?—I think it would save a great deal of trouble to the revising barrister. I have known some places where the assistant overseers have hardly been so reliable as the overseers themselves.

2299. In what manner do you think that they were not so reliable?—I think they might lend themselves to certain unfair practices.

2300. But apart from the most desirable object of saving trouble to the revising barrister, do you think that greater accuracy in the lists might be obtained if persons of superior position and education to the parochial overseers should be employed?—Yes, certainly; I only referred to the revising barristers' trouble, because votes are lost from want of accuracy, and the assistant overseer has always been more correct than the parochial overseer.

2301. You mean, by what you said just now about the assistant overseers lending themselves to certain practices, that an assistant overseer is more likely to be influenced by political considerations, I suppose?—He is more easily got at; he is a person in an inferior position, generally, to the ordinary overseer; large farmers are generally overseers; the others are paid persons. The Committee will understand that I am now speaking of that part of counties not in towns.

2302. Suppose the assistant overseer is appointed by the guardians to the union, would they not be likely to check any party bias on his part?—Yes, I think they would.

2303. But, as you have in addition to that the supervision of the revising barrister coming upon him, do you think there is much in the suggestion of his unreliability?—I do not think there is much in it; I think that the revising barrister ought to be rather more acute than he otherwise would be on such persons, and when he found that the assistant overseer had slipped he would be more disposed to visit the assistant overseer with costs than the overseer.

2304. You are rather in favour of the appointment of assistant overseers, are you not?—Yes, I am indeed; they are superior persons in towns; I found them very superior persons indeed.

2305. Have you turned your attention to the desirability of letting the clerk to the guardians interfere in any way in these matters?—Of course he would be a very superior person to those persons whom we usually have; but the clerk to the Assistant Commissioners, I think, was recommended in boroughs.

2306. He would very frequently be the same person, would he not?—No doubt he is a superior person.

2307. Do you, or do you not, think that the revising barrister would be able efficiently to supervise the work of the assistant overseer, without the intervening assistance of the clerk to the guardians?—That depends on the political agents a good deal.

2308. Will you be kind enough to exclude for a moment any political organisation; is there any reason in your mind why a third party should be brought in, or do you not think from your general knowledge of assistant overseers, that the work might come straight before the revising barrister, and that he would be able to supervise that efficiently for the purpose of registration?—From my experience I think he would.

2309. Will you now be kind enough to proceed with your observations?—In what is called the Principal Act for Registration, the 6th of Victoria, chapter 18, I think there is a considerable doubt arising with regard to equitable interests when they apply to freehold and copyhold they are pretty clear, but there is a great doubt with regard to equitable interests in leasehold property; it would be very desirable that the clause should be made clear that an equitable interest with regard to leasehold should confer a vote in the same way as a freehold.

2310. Will you kindly proceed with any other observations that you may have to make to the Committee?—There has been a general complaint, that there should be some places provided for the revising barrister to hold his court in.

2311. Am I right in saying that the magistrates in quarter sessions divide the county into polling districts, and that under the old Act of Parliament they appointed the place where the revising barrister should hold his court?—They do so now. Under the old Act, every polling-place was a revising place, but under the new Act, I think every polling-place is not a revising place.

2312. In the 6th clause of the Registration Act, of the 31st & 32nd Vict. c. 58 (1868) sub-section 1, are these words: "The lists of voters for each county shall be revised by the barrister or barristers appointed to revise the same, between the 14th day of September inclusive, and the 8th day of October inclusive; and the barrister appointed to revise the lists shall, seven days at the least before holding any court of revision, give notice to the clerk of the peace, of the time and place at which such court will be holden, and of the several parishes and townships, the lists of and for which will be revised at such court"?—I think that is a special provision for the year 1868.

2313. Then do you think the law is in such a state that the application of that clause to every year's registration is necessary or desirable?—I think not at all. The general election was to take place in the autumn of 1868; there was very little time in that year to make out the list, and therefore every facility was created.

2314. What then is now your point of difficulty?—My impression with regard to the present law is that certain places are to be appointed for polling districts; but the authority, the quarter sessions, determines at the same time whether that particular place should be a revising court or not. I think it is before the Act of 1868 because it was acted upon in the county of Durham.

2315. Do you find any difficulties arise from that?—No, not at all. The point I meant just now was, with regard to finding courts for the revising barristers to sit in. At the present time the revising barrister has to find his own court and as he very often does not know very much of the county, if the clerk of the peace were to find the court, it would be better.

2316. Do you consider that you have the power at present to hold your court where you please in a district, or are you bound down by any provision or order?—We must hold the court at a polling-place.

2317. Bu

2317. But is it the law that a revision must be held in every polling-place?—No, not in every polling-place, certainly.

2318. Can you point out to the Committee the provision which enables the magistrates to lessen the number of polling-places?—I think it must have been before the Act of 1868.

2319. Mr. *Johnston.*] The 34th section of the Representation of the People Act, 30th & 31st Victoria, chapter 102, I think defines that?—I think there was some authority of the kind before that: that section says, "the justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling-place assigned to each district, and shall name the polling-places at which the revising barristers are to hold their courts, and no revising barrister shall be obliged to hold his courts at any polling-places not so named." Therefore, except it is named to be a revision place, he is not obliged to attend there.

2320. Have you had any complaints of your not holding a sufficient number of courts, and of any inconvenience being occasioned as to the places at which you hold them?—Not in South West Lancashire; at least they have made no application to me; in Durham there may sometimes have been an application of that kind, but I have never had any personal complaint about it.

2321. Will you be good enough to proceed with your remarks?—It has been thought that notice should be given of overseers' objections; the overseer may put the word "objected" against a voter who is objected to; but when that list comes before the revising barrister he finds that no notice has been given to the persons objected to at all; one word is "objected," and the other word is "dead," and when that comes before the revising barrister, if no one appears, he cannot make out, perhaps, that the overseer is wrong; the overseer says that the man has left the place or has sold the property, and the person objected to loses his vote not being summoned to attend.

2322. But there is no notice given to the person objected to?—No, none at all; in one or two cases that has been attended with somewhat remarkable circumstances; I recollect a case in Durham where an overseer *bonâ fide* thinking the property had been sold, put the word "objected"; it happened that I knew the voter who is now a Member of Parliament, and I called his attention to that, and said I thought there must be some mistake, and I adjourned it to the next court.

2323. If I understand you rightly, you think in those cases a notice should be served upon the person objected to?—Yes, I think the clerk of the peace should give notice of objection to the persons objected to.

2324. Not to the person who is dead, I suppose, but to the person who has left?—To the person who is objected to; it has occurred before me several times that the overseer has put the word "dead" against a person's name, and that person has appeared in court, and supported his vote.

2325. Even if a person was dead, serving notice through the post office would be a valid service, I suppose?—If the person was objected to as dead, the notice would be served on the property, of course; I would wish to impress on the Committee that courts should be provided for the revising barristers by the clerk of the peace or some other person in authority, and that the revising barristers should not be left to find their own courts; that point has been very much canvassed.

2326. Have you read the Bill of the honourable Member for Stockton which is before this Committee?—I think I have seen it once. I understand there was another Bill before the House.

2327. One clause of that Bill states, "all notices of objection given under the Act of 1843 or the Act of 1865, other than a notice to the overseers, shall state specifically the grounds of objection;" what do you say to that?—I think that as there is a decision of the Court of Common Pleas that in an objection to a 12*l.* occupier, you must give specific notice; it would be quite as well to apply that to the claimants' case universally; the 12*l.* list are practically only claimants. But the Court of Common Pleas have decided that they are to be considered as if they were on the register. That point did not arise before me in South West Lancashire. Some of my brother barristers differed upon that point.

2328. The Bill also says, that "the barrister appointed to revise the lists of any county shall hold a revision court at each polling place for such county;" you do not think that that is necessary, I think?—I think it is not advisable for this reason, that I think the revising barrister ought not to hold a court for revision unless he is likely to have a pretty good number of persons before him; he ought to have the political agents before him, or some of the public, for the purpose of seeing what is going on; if he goes into a district where he is not overlooked, I think the business is not quite so well done always.

2329. What is your opinion with regard to persons voting having the choice of polling places?—I think they should have that choice anywhere.

2330. You do not think the risk of personation is sufficiently great to justify the Legislature in placing a limit on their choice?—No; I think not.

2331. Have you any more suggestions to make to the Committee?—No. There are several registration Acts; there is the 6th of Victoria, which is a very important Act, and there is the Act of 1865, which is a most valuable one; and there is the Registration Act of 1868, and some clauses of the Representation of the People Act of 1867: it appears to me that they ought all to be put into one Statute.

2332. Mr. *Brand.*] Will you kindly read the Question and Answer, 1530?—"Are you in favour of a voter being only on the register for one qualification?—Most decidedly; I would beg to call the attention of the Committee to the confusion and annoyance that now exists, especially with regard to list No. 4 of occupiers; a man is in occupation of his own estate; he comes on No. 4 list, and he is on the list of owners, and there one has no list to turn to; if there is no political agent present to assist you, you may have 50 duplicate names in that way; for every register and every division of a county I would suggest that there should be an index; William Hamilton, or whatever it might be, 1,000 or 1,500, and so on; so that you could turn at once to the register; if a register were kept, with a number to each name; by that index you could at once turn to the man's qualification, and see if he is on the register twice or 20 times; in my opinion, every register should have an index."

2333. Do you think it would be a great advantage if voters were allowed on the list for only

Mr. *Udall.*

14 June 1870.

only one qualification?—There is always this difficulty about it, that a man may lose one qualification, and then he would have to make a claim for another qualification.

2334. But then he would be in the same position as before, because he would have to make a claim?—Yes, he would have to make a claim.

2335. Do you think that would be a very great hardship?—Not a very great hardship; I know in the county of Durham, on one side or the other, I never favoured them very much, if I could prevent that being done; I have known some great owners have their names eight or nine times on the register, and if one side does it there is a great desire that the other side should have as many.

2336. Suppose a man has two qualifications, a freehold qualification, and an occupation qualification, do not you think it would simplify matters very much, and simplify the register, and be a very great aid to all officials connected with registration if such a voter was compelled to qualify for his occupation qualification, and come under the 12 *l.* list?—He would have, in that case, to look at the register every year to see whether his name was there.

2337. But under a self-acting system that would be the work of the assistant overseer, would it not?—No doubt if the voter looked after his interest it would be of very little consequence to him whether he was on for the occupation qualification, or an owner's qualification. I answered a previous question as to whether the voting for an occupation qualification ought to be in any other place than where the property is. Suppose it is a property qualification it may be well that the voter should vote at any part of the county he chose; perhaps I answered that question too generally before.

2338. But with regard to the question, whether it would not simplify matters very much indeed if in every case a man having two qualifications, one a freehold and the other an occupation qualification, he should be compelled to qualify under his occupation qualification, and that it would be no very great hardship upon him, as it would affect only the resident voters in the county; what have you to say to that?—No doubt it would make it very much simpler, but he might lose his vote by the non-payment of his rates.

2339. But if he did not pay his rates perhaps he would deserve to lose his qualification?—I have known that done in this way; people of unquestionable ability forget to pay their rates. I knew, just before a great election, severel persons whom we were forced to strike off the register for the non-payment of rates for which they had never been asked, or they were away perhaps. There was one case of a gentleman of large fortune who was away from home; the rates was asked for and there was no one there to draw a cheque, and if he had not had a freehold qualification in another part of the county he would have lost his vote.

2340. You think that the advantage which would accrue by simplifying the register, would be counterbalanced by the disadvantage to the voter?—Yes, I think so; if a person is away at a particular moment, he may lose his vote.

2341. You think that such an enactment would cause jealousy, and injure the feelings of many people who would consider themselves degraded?—Persons like to be called freeholders if they have a freehold; it is an old term, and they like it.

2342. Mr. *Richards.*] Do you think it would be any hardship upon the overseer or assistant overseer if he objected to any name on the list, to send a copy of the objection to the party whom he objected to?—Not at all; if you have assistant overseers, I would make them do it.

2343. You prefer that machinery, though in your previous answer to the honourable Chairman, I think you said that the clerk of the peace should send a notice?—Yes; I was taking the law as it now stands when I gave that answer. Many of those overseers are not very good scholars; but if you have the machinery of assistant overseers, that would be different. There is only this advantage about the clerk of the peace, that if they are sent into him they are quite certain to be done, because then you have a person of much better position to do it than the assistant overseers, but the assistant overseers would perhaps answer the purpose. I did not know there was any suggestion that the assistant overseer should supply the place of the overseer.

2344. Do you think that it would be an advantage to have the appointment of assistant overseers made compulsory in every parish or every union of parishes?—I think it would lead to very great facilities in many ways to have a skilled person who could do certain parish work; it is getting more general now all over England.

2345. Is it your opinion that the expense would be of very small importance compared with the good which would result?—I think that great good would result, but I do not think that the expense would be great; he might be assistant overseer to more than one parish.

2346. Am I right in construing the general tenour of your evidence into an opinion that without political organisations, the register in most counties would become very imperfect?—Very imperfect indeed; it is very imperfect now in counties where there are no contests; I mean that the register is imperfect in the description, and even in boroughs it is so if there has been no contest for a long time; there is a great deal to be said against the register at any particular moment, because there is no one particularly interested in keeping it pure.

2347. With regard to the payment of costs, where objections have not been proved, do you think that it would be possible to make the rule that you and other friends have laid down into a statutory enactment?—Certainly, you could make it quite clear.

2348. Do you think that the distinctions can be sufficiently defined to enable the principles which have governed you to be put into a Statute?—That is supposing we had almost wrongly interpreted the Act of Parliament; it appears to me that those who have not given costs in new claims have not read the Act of Parliament rightly.

2349. But I mean with regard to persons who are on the register?—That is made peremptory by the Statute of 1865.

2350. But my question is rather with regard to the barrister being compelled to take into consideration the particular calling of a man to whom an objection has been made; for instance, you give a different scale of payment to an artisan from that which you would give to a labourer, do you not?—That is because I do not want him to lose by coming to the revising barrister's court; I want to put him in the same position as

if

if he had not had a frivolous and groundless objection made to him.

2351. Are you aware that other revising barristers take a different view of the subject?—No, I never heard that; I do not suppose that anyone would think that you should give a day-labourer the same as you would give a merchant or clergyman; you have taken those people away from their employment, and the question is what have they lost by it; that is the test; I have known cases where a man has lost a very large amount; but then he will have his vote, because he has got public spirit enough to go to the revising barristers' courts; I should not be doing my duty in a case of public spirit like that if I did not give him as much as I possibly could do with reason.

2352. Would you make it compulsory on revising barristers to give costs upon that principle?—I think that it is going too much into detail, if you name any amount; take a Dorsetshire labourer, for instance, he is in a very different position from an artisan in Lancashire or the West Riding of Yorkshire.

2353. The Bill of the honourable Member for Stockton, now before the House, provides in the 5th clause, as follows: "In case any objection to any person on any list or register shall not be sustained, the revising barrister shall award costs to the person objected to, such costs not to exceed the actual expenses incurred, and compensation for loss of time"?—Yes.

2354. That is the principle on which you would act, I suppose?—Certainly; I always wish to do so.

2355. Then where an artisan has been compelled to attend for two or three days to substantiate a vote, you think that the revising barrister would not have done justice to that person if he gave him 2*s.* 6*d.* or 3*s*, while the man would have earned in his ordinary occupation 10*s.* or 12*s.*?—Certainly, that is my opinion; I think the revising barrister ought to compensate that man as nearly as possible; we try in South West Lancashire not to bring those men away for more than one day.

2356. *Chairman.*] Suppose a man has been in the habit of earning a much larger sum per day, would you carry the same principle out?—Yes; to the extent of one guinea a day to merchants; that is the scale of costs given in the superior courts for different people?—I think I would fix 10*l.* as the maximum, because I have known persons brought from a great distance being on the register, and actually objected to two or three years running, with the expectation that they would be away, it being perhaps known to their opponents that they were qualified; if they do come up, I would give them considerable costs in those cases.

2357. Mr. *Johnston.*] I presume you are aware that some barristers will give nothing but the actual expenses, and that they do not allow anything for a man's time?—I think that is a wrong principle to follow.

2358. With regard to the 34th section of the Representation of the People Act, 1868, chapter 102, which refers to revising places; is there not some obscurity there: it is clear that the justices appoint where the barristers shall sit; but is it clear whether the justices or the barrister is to decide which parishes should be revised at each place where the revising barrister sits?—That does not seem to be very fully and explicitly set out; I think any amendment of that kind would be an improvement. My impression is, that they are put in the list where the place is to be revised; I know we had at one time a very considerable doubt raised at a revision in the county of Durham, with regard to St. John's Chapel and Stanhope; but I think the objection was without foundation, and I acted so as to keep the voters all on the register to vote at either place, for fear I should be wrong.

2359. Sir *Harcourt Johnstone.*] Is it your opinion that political agency is now indispensible as a check on wrong entries, and as an assistance to the revising barrister?—Yes; and I think it always will be so.

2360. In case of the ballot becoming law, would that kind of agency still be of use, do you think?—Yes, I think so; I do not see how that would at all be interfered with; there must be persons on the register whether they vote by ballot or not.

2361. But when voting is secret this machinery will not be of so much use, will it?—The voting is not secret; the way people vote is secret, but not the voting.

2362. Suppose the ballot becomes law, would it be worth while for the political organisations to take the same trouble about the register that they do now?—Certainly; I do not see any difference in the world between the present state of things and what would happen supposing the ballot became law; I do not see how it would be altered. I am supposing now that they are taken honestly; but, if they are taken dishonestly, I do not see any great difference that could arise.

2363. You think that the same efforts would still be used by the different political organisations for registration purposes?—Yes, I think so; of course I cannot dive into the future. With regard to persons of any position, it is well known how they will vote.

2364. But on the assumption that they will not take the same amount of trouble, can you suggest any machinery that would fulfil the purposes of these political organisations?—There is no such good machinery as the political interest of parties, because it produces every effort to keep all their friends on the register.

2365. You think that that would apply to the future as well as it does to the present?—I think so.

2366. Mr. *Pell.*] With regard to the places at which you hold your courts; I think you said in answer to a previous question, that the revising barrister ought not to hold his court at every polling place?—If they are inconsiderable places I do not think it is necessary, but if they are considerable places, I think he ought to do so.

2367. The magistrates, I believe, have only power to form districts for polling purposes; do you believe that to be the true state of the law, and is it the law that magistrates in quarter sessions assembled have only power to form polling districts for the polling places named by them?—I think they have, under the 34th section of the Representation of the People Act, power to say what shall be the revising places.

2368-9. I am not alluding to places. I wish to keep you to districts in the first instance. Have the magistrates any power given them by law with regard to the districts to form other than polling districts?—That is a matter of construction which I have not considered. I should like to take time to consider it, but it seems so on

Mr. *Udall.*

14 June 1870.

the face of it, for the Act says, "The local authority of every borough shall, if they think convenience requires it, as soon as may be after the passing of the Act, divide such borough into polling districts."

2370. Do you know any section of the Act which gives the magistrates power to form revising districts?—No; under the old Statute, it was the duty of the revising barrister to go to every place in which there was a polling district.

2371. Will you kindly look at the 32nd section of the 6th Victoria, chapter 18?—Yes, I know the clause very well.

2272. Does not that clause state that the revising barrister shall "Ten days at the least, before the holding of the first court of revision, give notice to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes, the lists of, and for which will be revised at each of the said courts"?—Yes.

2373. Is that law in force now?—Yes.

2374. Do you do that yourself?—Yes. Certainly, always.

2375. Does it not appear from that, that you have the power of forming revising districts and not the court of quarter sessions?—Districts are assigned to a particular court. I send to the clerk of the peace the days on which I shall be on a particular spot, and that spot has always been considered to include parishes, and particular parts of parishes.

2376. What do you mean by "always considered"?—What I mean is, that it has always been done; I have never heard it said that there was any place that was out of any districts; there has been a uniform mode of revising adopted; the clerk of the peace publishes the names of every parish, and parts of parishes, that will be revised at a particular place by the revising barrister on a particular day.

2377. I think I understood you to say that you have in the districts with which you are acquainted, a revising court in every polling district?—Yes.

2378. Now, will you be kind enough to look at that list for the Southern division of the county of Leicester (*handing the same to the Witness*); you find that there are 13 polling places there, do you not?—Yes.

2379. How many places are there at which the revising barristers sit?—There are eight.

2380. Is it not plain from that that some authority must have re-arranged those parishes, and assigned certain parishes to a revising court outside the polling district in which the parish or parishes is situated?—Yes.

2381. Now who is the authority that does that?—I think the justices do it.

2382. Under what Act of Parliament do they do that?—Under the 34th section of the Representation of the People Act; before this Representation of the People Act, 1867, was passed, the revising barrister always went to every polling place.

2383. But he was not bound to do so, was he?—Most distinctly he was, I think, and a very learned friend of mine, who is now dead, Mr. John Henderson, was of the same opinion; we discussed this question together and we were clearly of that opinion.

2384. Then the giving notice, required under the 32nd section, 6 Vict. c. 18, "to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes the lists of and for which will be revised at each of the said courts," was merely superfluous?—No, you give the clerk of the peace notice of the days on which you will hold your courts.

2385. I do not see the word days in the section?—"And be it enacted, that the barrister appointed to revise the lists of any county shall make a circuit and hold open courts for such revision at each of the places which now are or hereafter may be appointed as polling places for such county, and at any other places within the said county, which he shall think expedient (that I have never acted upon) at convenient times."

2386. Then it goes on, "And shall, ten days at the least, before the holding of the first court of revision give notice to the clerks of the peace of the several times and places at which the said courts will be holden"?—That you do now.

2387. Will you be kind enough to read on?—"And of the several parishes the lists of and for which will be revised at each of the said courts."

2388. Now, will you be kind enough to refer again to that list of the south or north Leicestershire division; finding that some authority is to re-arrange these parishes into revising barristers districts, do you still say that the law does not state who is to make that re-arrangement, because that 32nd section says "that the revising barrister is to give notice to the clerk of the peace of the several times and places at which the said courts will be holden and of the several parishes the lists of and for which will be revised at each of the said courts"?—Certainly. Before this new Statute the revising barrister went to every place and every parish was grouped within the different places.

2389. But what is the law at present?—The practice certainly is so. I do not speak of my own knowledge of other places, but in my case I have always revised at every polling place. That case has never occurred to me.

2390. But you said, did you not, that you complied with the Act of Parliament and gave notice to the clerk of the peace of the place at which you intended to revise the list of voters on a certain day?—Yes.

2391. That was merely speaking of the polling districts?—Yes; with the days on which the particular parishes would be taken.

2392. Now, looking at that list for the Southern or Northern Division of Leicestershire, with whom do you think the authority rests for re-arranging that county into districts for revising purposes, having just read the 34th section of the 6 Vict. c. 18, do you still think that it rests with the court of quarter sessions?—Yes; originally there were a smaller number of districts, I should say it would very probably turn out, if inquiries were made, that those eight places were originally the polling places for the county.

2393. If I were to tell you that they were not so; what would you say then?—But supposing a particular district that had been revised at one place is divided into two, and yet there is only one revision place, I should have thought that the justices would have said that the whole of those persons should be taken in the district in two places, whereas they must now go to the place where the revising barrister is to sit.

2394. But is it not apparent also that if there is this doubt on the subject, a parish might be left without any revision whatever; suppose the court

court of quarter sessions refused to do what you say they do in practice, would it not come to this, that if the revising barrister did not draw up a list of the several parishes, to be revised at each of the said courts, the clerk of the peace would not be able to advertise the list?—Yes; I should call into exercise the terms of that 32nd section of the principal Acts and I should go to other places in the said county which were not polling-places.

2395. But it is not places for holding the court so much as the parishes forming which are to comprise the area to come up to your revising barristers' court, is it?—I should have thought that the Act was quite clear under the 34th section of the Representation of the People Act, 30 & 31 Vict. that there must be polling districts, because that section says, "In every county the justices of the peace having jurisdiction therein, or in the larger part thereof, assembled at some court of general or quarter sessions, or at some adjournment thereof, held after the passing of this Act, may, if they think convenience requires it, divide such county into polling districts, and assign to each district a polling-place, in such manner as to enable each voter, so far as practicable, to have a polling-place within a convenient distance of his residence

2396. *Chairman.*] Perhaps you will kindly consider the question at leisure, and transmit to the Committee your opinion in some deliberate statement?—I will do so.

2397. Mr. *Pell.*] In the early part of your evidence, with regard to the nature of a qualification, you made use of the term "houses in succession"; is that in the third column?—Yes.

2398. What is the meaning of that expression?—When that question came before the Court of Common Pleas, of course, it was the house that got the vote; if you were in street A. and also in street B., you were forced to put "houses in succession"; and A. and B. are in the fourth column. There is this practical difficulty about the whole thing, that the political agents, directly the revision is concluded, asked you on both sides to strike out the words "houses in succession," otherwise it would be a bad qualification for the next year, because the next year he only claims for the house or farm in which he was living; I always thought that was a wrong decision, so far as the counties were concerned, because you are to make a permanent register, which that would not be.

2399. You said, with regard to costs, that you were in favour of granting them in all cases where an objection appeared to be frivolous or groundless?—Yes.

2400. But is it not very difficult to ascertain whether the objections are frivolous or groundless, looking at the loose way in which the third column is allowed to be filled up?—Yes, certainly, it is so; but you should always decide in favour of the man who is right.

2401. But can you apply the word frivolous to an objection when there is nothing in the claim to show you whether it is so or not, can you not?—Suppose a man claims as a freeholder with a particular name, or in a particular part of a county, and there is an objection to him, and the objector has taken no trouble at all to ascertain whether a man is a freeholder or not?

2402. Do you not think, if you were going to give costs more extensively than is generally done at present, that the nature of the qualification should be more fully stated in the third column, and that it should be necessary for a man claiming for the first time to state how he obtained his qualification, in order to enable the objector to consider whether he would object or not?—If it is an inaccurate description, and the objection is brought about by an inaccurate description, a wise revising barrister would not give costs in such a case as that, because he would say, "You have brought it on yourselves."

2403. But suppose I have acquired a freehold in any way in your district, and I am supposed to be of contrary politics to those which you represent, I merely put down "freehold land, parish of so-and-so;" you cannot get at me, can you?—Yes, if you go to the assessment you will find he is described as owner; or if he is not in possession he is described as owner with the tenants there; in almost all cases you can find out if all those are fit questions to be examined into, to show that the objection is not groundless or frivolous.

2404. Do you think it is desirable that the nature of the qualification in the 3rd column should be stated with greater particularity?—So far as my experience goes, I should say no. The suggestion has been made, and for some time I was disposed to think that the word "owner" itself was sufficient in the 3rd column, so as only to have the two words "owner and occupier;" but I have seen reason to think that that would be an injudicious alteration; I think it would be too loose.

2405. But as it stands now you think that is sufficient?—Yes, I think you can find out generally all about a man's qualification; no doubt it is more difficult to do so in such places as South West Lancashire and South East Lancashire, where there is so much minute division of property; but I cannot conceive a difficulty in an agricultural county at all.

2406. Mr. *Cross.*] You would not state the nature of the interest in the 3rd column at all, if I rightly collect what you mean?—Whether it is copyhold, or freehold, or leasehold; that is a moot point. If you make up your mind that you are not forced to state that, why, then, you can do it with the word "owner." At present you do not give too much information, I think.

2407. Do you find that there are a great many votes struck off through the property belonging to the claimants through the wife?—Yes, and I have thought it would be a very wise thing (it only depends on the decision of Parliament) that where there is property to the use of the wife, a man shall not obtain a vote for that property. I never saw any good reason for it.

2408. But you do find a great number of votes struck off, do you not, on account of the property belonging to a person through his wife?—Yes, certainly.

2409. And do you also find a considerable number of votes struck off through the property being mortgaged?—No, I think not often; the mortgagor generally obtains the vote.

2410. But the other man may have plenty of interest left to claim a vote still, may he not?—Except he is the mortgagee in possession, he does not get the vote.

2411. *Chairman.*] You mean, I suppose, subject to the property being mortgaged, so that the equitable interest of 40 *s.* is not left?—That has very seldom occurred with me.

Mr. *Udall.*

14 June 1870.

2412. Mr. *Cross.*] But either in case of property belonging to a claimant through his wife, or property being mortgaged to that extent, do you not think it advisable that a claimant in the first instance, on coming on to the register, should come and prove his vote?—I do not think so; I think you do not get enough *bonâ fide* persons on the register; and my opinion is that that would be the means of keeping more men off.

2413. You would give full power of amendment to persons who claim to be on the register, would you?—Yes.

2414. Would you give equal power of amendment also with regard to objections?—Generally the objections are made by very skilled people, and I have not found any questions arise much upon that point; so far as I know, they never made any objections on which questions arose in the county of Durham, or in South West Lancashire, with regard to the form of objection.

2415. That is to say, objections have not failed owing to their being improperly drawn up?—No.

2416. At the same time there is no reas against your having the same power of amen ment as in the case of claims, is there?—N except that in the one case you are favouri the franchise, and in the other you are not.

2417. But provided the other party is n damnified, there is no objection to the sa power of amendment being given in the o case as in the other, is there?—Certainly not.

2418. As to the appeal which you have spok of to the Court of Exchequer Chamber, I su pose you would not give that appeal in all cas where the Court of Common Pleas differ among themselves?—Yes, certainly I would gi that appeal in all cases where the court so differ and in all cases in which they decided against t revising barrister, but not in cases where the have decided in favour of the revising barrist unless they differed among themselves.

2419. *Chairman.*] Is there any other poi upon which you can state anything to the Co mittee?—No.

Friday, 17th June 1870.

MEMBERS PRESENT:

Mr. Wentworth Beaumont.
Mr. Henry Robert Brand.
Sir Edward Colebrooke.
Mr. Cross.
Mr. Dodds.
Mr. Algernon Egerton.
Mr. Andrew Johnston.
Sir Harcourt Johnstone.
Mr. Knatchbull-Hugessen.
Mr. Pell.
Mr. Clare Read.
Mr. Richards.
Mr. Wynn.

E. H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. THOMAS TUDOR TREVOR, called in; and Examined.

Mr. *T. T. Trevor.* 17 June 1870.

2420. Mr. *Dodds.*] YOU reside at Guisborough?—Yes.

2421. You are Deputy Clerk of the Peace for the North Riding of Yorkshire, are you not?—Yes.

2422. And you have held that office for upwards of 20 years, have you not?—Yes.

2423. And, in addition to that, have you during a considerable number of years been engaged in the registration of county voters for the North Riding of Yorkshire?—Yes, in three polling districts.

2424. I believe that you have been concerned in several severely contested elections?—Yes.

2425. You have, in fact, had great experience in the working of the Registration Acts in every department?—Yes.

2426. Will you be kind enough to explain briefly to the Committee the practical part of the making up and completing a register, with regard to the duty of a clerk of the peace?—The clerk of the peace at the beginning of the month of June has to issue his precept to the overseers of each township, and after those lists are revised by the revising barrister, the clerk of the peace has to copy them and have them printed.

2427. Practically, do you find that the time allowed between the revision and the printing of the register is too short?—It is very short indeed; and in a large county, such as the North Riding, where we have close on 20,000 electors, the copying and printing of that list is a work of considerable labour.

2428. Do you think there might be with advantage one list for each township, instead of more than one, as at present?—Yes, it might all be put in one list.

2429. How would you deal with those who are now in that supplementary list?—With respect to the 12*l.* occupiers' list, I do not see why the names should not be printed alphabetically with the others.

2430. You think there is no practical reason for continuing them in a separate list, and making a new list of them every year?—None. It gives rise to great trouble both in the clerk of the peace's office and to persons engaged in contested elections.

2431. It not unfrequently happens that the lists are defective, or are invalid, in consequence of some omission on the part of the overseer, I believe?—No, I have not experienced that difficulty.

2432. Considerable evidence has been given before this Committee with regard to duplicate entries on the register?—Yes.

2433. Do you think that the existence of duplicate entries has practically very much increased the cost of the register?—No, I think not. The question of duplicate entries has been very much overrated, in my opinion.

2434. I suppose you express that opinion after having read the evidence given before this Committee?—Yes.

2435. With regard to the cost to the county of printing the register in the North Riding of Yorkshire, the whole cost of printing all the forms, and the clerk of the peace's precepts, and the register afterwards, is 220*l.* for this year, is it not?—Yes.

2436. The number of electors being close on 20,000?—The number of electors being close on 20,000. Out of that the clerk of the peace sells to different applicants 25*l.* worth of registers yearly; and, in the event of a contested election taking place in that year, he sells the whole of them, which brings him in 50*l.*, all of which goes to the county rate in reduction of the cost.

2437. Do you think it desirable that duplicate entries should be omitted as far as practicable?—I think, with great respect, that it would be a great infringement on the privileges of the elector to do so.

2438. You think that if a man has a qualification in every township in the North Riding of Yorkshire he should be allowed to remain on the register for all of them?—Yes, if he wishes it.

2439. You go so far as to think that he might be allowed to be on the register in every township, or once in every polling district, do you?—It might be limited to once in every polling district.

2440. I believe that in the North Riding of Yorkshire you have 35 polling districts?—Yes.

2441. How many places are there where revision courts are held, is it 22?—Yes, 22.

2442. At present, I believe, those polling places,

Mr. *T. T. Trevor.*

17 June 1870.

places, and places of revision, are fixed by the magistrates at the court of quarter sessions?—Yes. By the Act of Parliament they are to fix the places where the revising barristers shall hold courts.

2443. Is it desirable that revision courts should be held in every different polling district, do you think?—Yes, I do. But I think it is also desirable that the polling districts should be increased in number as much as possible, so that the number of polling-places would admit of the barristers going to every one of them in the time allowed to him.

2444. If you should have a polling-place in every considerable township, it might be unnecessary for him to go to every place, might it not?—I think it might be unnecessary for him to go to every considerable township.

2445. But if it be desirable to facilitate the polling of the voters, is it not desirable to facilitate the revision of every list of voters?—Yes. But time will not allow him go to every polling-place.

2446. But by altering the time at which the lists are made up, a longer period might be allowed for the work, perhaps?—You cannot get more days into a month than there are. Between the 16th of October and the printing of the register, there is only a limited number of days; if you make more polling districts than there are days, of course the revising barrister cannot go to every one at the rate of one in a day.

2447. Is it the practice in the North Riding of Yorkshire to hold only one court on one day, or does it occasionally happen that more than one court is held on the same day?—Occasionally it does happen, but that is very seldom.

2448. The Committee have heard that personation very frequently occurs at elections; is that in accordance with your experience?—No; in all the contests I have been engaged in I never knew an instance of personation; I never knew of but one instance of a man voting at two polling-places on the same day, and he was a very well-known man.

2449. He boasted of it immediately afterwards, did he not?—Yes; but if he had known that such an offence could have been punished in a summary way before two magistrates he would not have done it.

2450. If there be any reason to apprehend personation, do you think it should be met by making it an offence punishable in a summary way before two justices?—Yes; if the offence of voting oftener than once were to be made punishable in a summary way by a fine of 40 *s.*, it would never happen.

2451. Do you think that new claims to be placed on the register should be made more specific than they are now?—Yes, I think they should be more specific, and I think it would be attended with advantage, that is to say, assuming that new claimants are to be entitled, as I think they should be entitled, to the costs of establishing a claim if objected to.

2452. Do you think that in all cases new claimants should be dealt with in that way?—Yes, I think they should be entitled to costs.

2453. You do not think then that every man should be required to prove his qualification in the first instance?—No, I do not see why he should be required to prove his qualification in the first instance at the expense of other people, any more than to prove a debt of, say, 35 *l.*, for which he can buy a qualification at the expense of other people.

2454. You think the claim should be made a little more specific in form, and you would give the claimant his costs just the same as in ordinary cases?—I would.

2455. Would you propose that any person sending in a claim that is not well founded should be subjected to costs?—Yes, I think he should pay costs if he fails in establishing the claim, and if he wilfully made an untrue claim he should be liable to a penalty from the revising barrister.

2456. In addition to the costs which the objector might have, you mean?—Yes, in addition to the costs which the objector might have.

2457. You have had very considerable experience in revising barristers' courts, I think?—Yes, I have.

2458. Generally speaking, are the class of men whom you see presiding there well qualified to discharge their duties?—Extremely so; I may mention that the first revising barrister I ever became acquainted with in the North Riding of Yorkshire, afterwards became Queen's Counsel, leader of the Northern Circuit, and Attorney General of the Duchy of Lancaster; the gentleman who succeeded him afterwards became chairman of the quarter sessions at Salford. His successor is now Secretary to the Admiralty; the gentleman who succeeded him is now in large practice on the Midland Circuit as a stuff gown there, and the one who succeeded him is now police magistrate at the Thames Police Court.

2459–60. Then you do not think that much advantage would be gained by allowing the Court of Common Pleas to nominate the revising barristers instead of the judges separately?—I see no advantage in it at all; the Court of Common Pleas is as likely to make improper appointments as a judge of assize.

2461. On the whole I collect from your evidence, that you think the present practice should be allowed to continue?—Yes, there is this difficulty in vesting the appointment in the Court of Common Pleas; namely, that the appointments are made in the vacation, when the court would not be sitting.

2462. Now, with regard to the revising barristers, do you think that greater power of amendment should be given to them than they have now?—Yes, they should have the fullest powers of amending every claim that was brought before them, and I would go so far even as to give them the power to alter the qualification; if a claimant succeeds in establishing a *bonâ fide* qualification of any description, I think he ought to have his vote.

2463. You approve of the sixth clause of the Bill introduced into Parliament during the present Session, except the last paragraph?—Yes; I would omit that proviso; with great submission, I should make the proviso only that the claimant should establish to the revising barrister's satisfaction a substantial qualification.

2464. Now with regard to the preparation of the list of voters; previous witnesses have described the overseers as, generally speaking, exceedingly illiterate and ignorant men; is that your experience of overseers, as a rule?—As a rule, I think they are; it is perhaps rather strong language to apply to them, but it pretty nearly comes up to that; practically, we really have no difficulty with the overseers; we can always get copies of the list from the overseer, and if there are any mistakes

mistakes in it, we have it in our power, if they are friends of ours, to have them rectified; I mean if the claimants are friends of ours.

2465. You now speak as the representative of one political organisation, do you not?—Yes; if we find that any of our own side are omitted from the list we take steps to rectify it.

2466. But supposing that you had no political organisation in the North Riding of Yorkshire, on one side or the other, do you think that we could then improve on the existing system of forming the register?—I cannot conceive that case; if the electors take so little interest in the representation of their county, as to have no political organisations on either side, I think it matters very little in what state their register is; I cannot conceive such a state of things; they would then show that they were not interested in the matter.

2467. But apart from those political organisations, the Legislature may be supposed to desire that there should be a correct register of voters in every parish?—Yes.

2468. Do you think that a self-acting system of registration might be established through the clerk to the guardians, by means of the overseers in different parishes?—No; I have known some clerks to the guardians who are no better than the overseers; I know several clerks to guardians who are not professional men, and I know others who are professional men, but who are not probably men of large practice.

2469. That is to say, they are not the best of their class?—No, certainly not; I do not think that clerks to the guardians would be much better than overseers.

2470. I suppose you know it is not intended to dispense with the overseers, but merely that they should be subordinate to a central authority in each district?—I think there would be a great objection to that, on the ground of cost, if the central authority is to be paid out of the poor rates or out of the county rates.

2471. The clerk to the guardians is at present clerk to the union assessment committee, is he not?—In most cases he is.

2472. Do you know of any exception to that rule?—No.

2473. In your part of the world are there many assistant overseers appointed now?—Yes, there are.

2474. That is to say in all the large townships or most of them?—Yes, I think so.

2475. Of course, generally speaking, they are an intelligent body of men who are appointed as assistant overseers from their special fitness, are they not?—Yes, they are a better class of men than the general run of overseers.

2476. And more permanent?—Yes, there is the advantage.

2477. There are still a considerable number of townships in your district where assistant overseers are not appointed, are there not?—Very few indeed; but the cases where they are not appointed are townships quite of a rural character in which the lists of voters contain only four or five names.

2478. Where changes are comparatively infrequent?—Where changes are comparatively infrequent.

2479. Can you give the Committee any idea what the expense would be of registering the North Riding of Yorkshire, as it is done at present by each political organisation?—About 1,000 *l.* yearly.

2480. You mean to each party?—Yes, I do not know the actual expense to the party to whom I am opposed, but I have very good reason to know that the whole expense of my own party is about 1,000 *l.*, and I should say that my opponents are as active as we are.

2481. You think you may infer from what you see that their expenses will not be much less than yours, I suppose?—Yes.

2482. The expense of the last contested election was about 30,000 *l.*, was it not?—Not the last election, that was the contest of 1865.

2483. The expense was 13,000 *l.* on one side and 15,000 *l.* on the other?—Yes.

2484. Was it an expense in a great measure arising from the very heavy cost of conveying voters to the poll?—Yes, that is always an enormous cost.

2485. Can you suggest to the Committee any remedy for that, or do you think that that cost should be diminished as far as possible?—Yes, I think it is very desirable that that cost should be diminished.

2486. I think you have already stated, that the polling-places should be added to in counties?—I would increase them to every possible extent.

2487. That would probably have the effect of diminishing the cost, would it not?—Yes.

2488. The Committee have heard that a difficulty arises occasionally, in procuring the attendance of a witness in the registration courts?—Yes.

2489. It has been suggested that the revising barrister should have the power to issue a subpœna instead of the Crown Office, in case of difficulty?—There should be power in some one to issue a subpœna.

2490. Would you have that done by the clerk of the peace?—Yes, I think so, because he is the first person to know the revising barrister's appointments for his courts, and any applicant for a subpœna might write to the clerk of the peace and say, "I want a subpœna for A. B. to attend a certain court;" the clerk of the peace would know when and where the revising barrister would attend, and it should be compulsory on him to issue it.

2491. Of course, his whereabouts is always known, though the revising barrister's may not be?—Yes.

2492. You think that there should be a more summary mode of compelling the attendance of witnesses?—Yes.

2493. And you suggest the clerk of the peace as the best man for that purpose?—Yes, he ought to have no discretion in the matter.

2494. Has your attention been called to the form of the notices of objection?—Yes.

2495. Will you kindly turn to the 4th clause in my Bill?—Yes, I have it.

2496. Do you think that the notices of objection in all cases should state specifically the ground of objection?—I do.

2497. Do you think that the power to award costs at present vested in the revising barristers should be enlarged?—No, I think 5 *l.* is quite enough.

2498. You do not think it should be dependent on the actual cost to the person objected to, and compensation for loss of time?—No, in 19 cases out of a 100, 5 *l.* would be a larger sum than would ever be allowed, and I hardly think it necessary to go beyond that.

Mr. *T. T. Trevor.*

17 June 1870.

2499. At present I think the overseers deliver their jury lists on oath, do they not?—Yes.

2500. And, of course, they make oath as to the accuracy of all their rates, do they not?—I was not aware of that.

2501. They hand in the list of voters without any formality, do they not?—They do.

2502. Is it desirable, do you think, that the overseers should verify the lists of voters in the same manner as they verify the jury lists?—I can see no objection to it, but no great advantage would result from it.

2503. You do not think that it would secure greater accuracy in the list?—My experience is that, when the overseers do swear to the lists of jurors, they are not always accurate.

2504. But it might have a tendency perhaps to secure greater accuracy in the list of voters?—That may be so. All mistakes of that kind made by the overseers are made from ignorance and inattention; they are not wilfully made. I do not think that swearing to them would ensure greater correctness.

2505. Do you think that any alteration should be made in the law with regard to an appeal from the decision of the revising barrister?—I think it should be compulsory on the revising barrister to give an appeal to every applicant.

2506. Would you make that conditional or not on the deposit of a small sum of money as security for costs?—Yes; he should be obliged, in the discretion of the revising barrister, to find security for some small sum; 10 *l.* perhaps.

2507. Subject to that you would give every person the right to appeal, if I understand you rightly?—Yes, subject to that I would give to every person the right of appeal.

2508. At present is any penalty attached to a person voting who has parted with his qualification?—There is no pecuniary penalty. I am inclined to think that it would be a misdemeanor.

2509. Do you think that some pecuniary penalty should be attached to a man who votes and who has already parted with his qualification?—Yes, I do.

2510. *Chairman.*] Do you think that a summary conviction before two magistrates should be the thing required?—Yes; I think it should be punished by a summary conviction before two magistrates.

2511. Mr. *Dodds.*] Would you have them pnuished by fine, merely, or in any other way?—All convictions for a penalty are now punishable by imprisonment in default.

2512. Only in default of payment?—Only in default of payment.

2513. Mr. *Read.*] It is necessary now, I believe, for a fresh list of the 12 *l.* occupiers to be made out every year by the overseers?—Yes.

2514. You do not know of some cases where they have simply put the old lists on the church doors, and that in such cases all those voters have been disfranchised?—I never knew such an instance.

2515. You do not think that that new list, or rather that fresh list every year, is necessary, do you?—No; I think it might be incorporated with the list of other qualifications.

2516. There should only be a supplementary list of the new claims, you think?—Just so.

2517. The 12 *l.* ratepayer is, I believe, bound to be put on by the overseer?—Certainly.

2518. Would you make the fact that a man stands in the 12 *l.* rating conclusive evidence of his qualification?—Yes; I think that if a man i rated at 12 *l.* in the rate book that should be con clusive evidence of his qualification.

2519. In other cases where a new claiman proves his claim you would always give him costs I think I understood you to say?—Yes; I woul give every new claimant his costs if he was ob jected to and proved his claim.

2520. You do not think that there would b much danger of a lot of fictitious votes getting o the register?—I do not.

2521. I believe it is now the case that a objector has to state the grounds of his objectio to all old claimants?—Yes; I think the objectio ought to be made more specific than it now is a to the ground of it.

2522. You would also make the objector stat the objection to all new claims, would you not —Yes, specifically; I would make him give th ground of objection.

2523. An objector has not to state the groun of objection at all now to any new voter, has he —No, he has not.

2524. You would make it imperative in a cases for the objector to define more precisely hi objection?—Yes.

2525. Mr. *Pell.*] Did I understand you to sa that you thought that the claim might be mad in a more specific form than it is now?—Yes, would make people give a more detailed accoun of the qualification.

2526. Did you not say also that you woul permit the revising barrister to amend the par ticulars of a claim, even the vital particulars of claim?—Yes, subject to the proviso that th claimant should prove some substantial qualifica tion.

2527. You have also stated that you are i favour of giving costs with regard to objection to new claims?—Yes.

2528. How would it be possible as a genera rule for objections to be substantiated if the re vising barrister has that power that you woul confer upon him of altering the claim in vita particulars; suppose I have made a claim unde the present form, and am objected to, or eve under the new form which you propose with mor particularity, and I am objected to on certai grounds, and have considered those grounds, an then, when I get into court, claimants shift my position altogether, and say, "Oh, I have show grounds for a claim," which the revising barriste admits. How would you deal with costs i such a case as that; should costs be given t objector in that case, or should costs be given t the claimant?—With all respect, I consider tha the interests of objectors are small as compare with the interests of claimants, and that thes should be first considered.

2529. Is there not still a higher interest namely, that of the State that the register shoul be complete and perfect?—There is a higher in terest of the State, that every man should do wha is right in every position of life; but I canno conceive any interest higher than that of a claim ant to be put on the list of electors for his county if he has a qualification.

2530. But it is not the intention of all regis tration, and that which surrounds it, to get wha is called a pure register?—No, I conceive tha the intention of the Acts of Parliament is tha every man who has a substantial qualificatio shall have the right to be on the register, an that is the greatest interest of all.

2531. Woul

2531. Would you disregard altogether the consideration of those who have no qualification at all getting on the register?—They have no right to be on.

2532. In your experience do persons attempt to get on the register who are not entitled to be there?—I have never known an instance of that; I beg your pardon, I should not say I have never known an instance of persons not entitled to be on the register attempting to get on; but I have not known a person without a qualification actually getting on the register.

2533. Mr. *Cross.*] Do you mean to say that the whole object of the revising barrister's court, and the other machinery, is to put as many people as possible on the register?—No, the object of the revising barrister is to have a correct register.

2534. But surely it is the object of all registration action, is it not, to obtain a correct register of all persons entitled to vote, and of nobody else?—Yes.

2535. Therefore the highest interest we have in discussing this question is to secure a pure register, is not that so?—It depends on whom you mean by "we."

2536. I mean the Legislature?—Yes; the highest interest the Legislature have in discussing this question, is to secure a pure register.

2537. The highest interest the country has, is to have a pure register, is it not?—Yes.

2538. That is to say, to admit all persons on the register who have a right to be on the register, and not to admit anybody else?—Yes.

2539. While offering every facility to persons who have votes to get on the register, the object is to provide proper checks for keeping improper persons off the register?—Yes.

2540. The tendency of your evidence seems to me to go to this, that persons who have not qualifications are not in the habit of claiming to be put on the register?—I do not think that is the tendency of my evidence: my answer was, that I had not known an instance in the North Riding of Yorkshire, of a man being on the register without any qualification whatever.

2541. Is it not the fact, that in the North Riding of Yorkshire, as it is in every other county, a great number of persons try to get on the register who have no qualification?—I should not say it was a great number; some persons do it.

2542. At your last registration, how many claims were disallowed by the revising barrister on your side?—I cannot say.

2543. Was it a large number?—No; it was a very small number in the three districts with which I am connected.

2544. How many claims were disallowed on the other side?—I think the number was very small.

2545. Do you mean to state to the Committee that in the whole course of your experience of registration courts the number of claims disallowed is very small?—I think so; my experience is, that the number of claims disallowed does not amount to anything like half those that are allowed.

2546. But can you inform the Committee how many claims have been disallowed in your county at any registration which you have attended?—I cannot tell the figures.

2547. Is it tens or hundreds?—It is something like tens, certainly not hundreds.

2548. That is to say, every year?—Yes, every year.

2549. Have you ever known a registration court held where some of the claimants have not had their votes disallowed?—Yes; I have known instances where the new claimants' votes have been all allowed.

2550. The whole of them?—The whole of them.

2551. Now, will you tell me how this 1,000*l.* is spent if there are only tens struck off the list?—Because we have a professional man engaged in every polling district, and he has other persons engaged to go to every township and examine the lists as they are published.

2552. But it is a very small result for such a very large expenditure, is it not?—No, it is a very great result; because I believe we have a very pure register.

2553. You believe that every person who is entitled to be on the register is on the register, do you not?—I believe that every man in my own immediate neighbourhood who ought to be on the register is there.

2554. But how many men are there in your own immediate neighbourhood who have no qualification, but who have tried to get on the register?—I cannot call to mind any instance of it.

2555. Is that a kind of thing which is unknown in your county?—I have not known of it.

2556. You have never found any instance in your county of persons trying to get on the register, it afterwards turning out that they had only a qualification in right of their wives?—Yes; I have known instances of that.

2557. Have you known many instances of that description?—No; very few.

2558. Have you known instances of persons claiming to be on the register not having a qualification, because it has been found that their estate has been mortgaged?—Yes.

2559. Have you often known that?—Not very often.

2560. Not in the case of building society mortgages?—I think there has been a great mistake made in the evidence on that subject.

2561. But have you ever known many cases where persons have had votes disallowed because their property has turned out to be mortgaged to building societies?—In one year I did; in the year succeeding to that the revising barrister was of a different opinion, and allowed the qualification where building societies had a mortgage, if a man had the substantial qualification of 40*s.* interest in the property; you must remember that building societies' mortgages are repaid annually, that is to say, part of the principal is repaid annually.

2562. You say that if a man claims for one qualification, you would make the objector state most specifically what his objection to the qualification is?—Yes.

2563. In fact, you would make him liable to a special demurrer, I suppose?—No; I would give the revising barrister the fullest power to correct all technical errors

2564. You would give him the same power to amend notices of objection as he has to amend notices of claims?—Certainly.

2565. But when an objector has established his objection, still you say if a man who claims can get the qualification anyhow proved before the revising barrister, you would let him have that qualification?—Yes.

2566. Will you tell me how, in that case, the

Mr. *T. T. Trevor.*

17 June 1870.

objector is to have an opportunity of objecting to that new qualification?—I assume that if he has a good qualification no objection can be made.

2567. But many a man may think that he has a qualification which entitles him to be on the register, and may *bonâ fide* think so, but when he comes before the revising barrister it may turn out that he is wrong?—Yes.

2568. Now, suppose a man makes a claim, and notice of objection is given specifically, as you wish it to be given; that is heard before the revising barrister, and the revising barrister decides in favour of the objection; still you say that if a man can prove any sufficient qualification he is entitled to be on the register?—Yes.

2569. Now how is it possible on that second claim for any objection to be made?—I do not see how; but I assume that no objection can be made.

2570. Suppose a man has not a good qualification, but thinks he has?—I never advanced that opinion; what I say is, that if, before the revising barrister, he succeeds in establishing and proving a good qualification he is entitled to have his name on the register.

2571. You know that a person who claims gives a certain notice of his claim?—Yes.

2572. That notice has to be exposed, in order that all persons may see on what grounds he claims, has it not?—Yes.

2573. Therefore persons interested in the matter go and look over those notices of claims, and if they can find out an objection before the day of trial they make their objection?—Yes.

2574. Now, how would a person have an opportunity of inquiring into the new claim if a man could make it at the last moment, after an objector has succeeded in knocking down the first?—He would have none.

2575. Do you think that that is right?—Yes, if a claimant proves to the satisfaction of the revising barrister that he has a qualification.

2576. Then, what is the object of all this machinery long before the revising barrister holds his court, if at the last moment a claimant may start a fresh hare?—I have known an instance where a man claimed in respect of one qualification, and failed before the revising barrister in establishing it; but in the course of the evidence on that occasion a good substantial different qualification was proved.

2577. But he might have claimed, in the first instance, on both qualifications, might he not?—Yes.

2578. And do you not think it is quite proper that he should be bound to do so?—No, I still think that if in the course of the evidence before the revising barrister it comes out that a man has a good qualification, although it may be different from his claim, he ought to be on the register.

2579. Mr. *Wynn.*] Although that qualification cannot be tested by any cross-examination on the part of the objector or other parties from its coming on them by surprise?—That is hardly likely to arise. It is quite possible that his qualification although not mentioned in his claim may be proved by him to the satisfaction of the revising barrister. We all know the kind of evidence that occurs at the courts of revision, and if such an instance as the honourable Member has suggested were to arise, the person claiming would be cross-examined by the opponents with respect to the nature of his qualification and with regard to any objection that might arise upon it.

2580 But why should a new qualification require less sifting by the objector than the one for which the person originally claimed?—I think the objector would have an opportunity of sifting it by cross-examination before the revising barrister.

2581. Although he had had no notice of that claim?—Yes. It is a case that can very seldom occur.

2582. What is to check it?—A change of the qualification before the revising barrister would not happen once in a hundred times.

2583. Do you not think that it would be universally tried?—No, I do not.

2584. Do you not think that every man who was unsuccessful in a claim before the revising barrister, would try to shift his ground to another qualification?—It would not be possible in the nature of the evidence given before the revising barrister's court; we all know a great deal of other people's business in the counties. There are professional men who are in the habit of attending before the revising barrister, who know whether any of their opponents have a good qualification or not, as well as they know whether any of their friends have a good qualification.

2585. I believe that the lists that you furnish to the parish officers in the first instance, never reach your hands again until they are in their complete form returned by the revising barrister?—Just so.

2586. Therefore you have no means of knowing what names are objected to by the parish officers, until the revising barrister has dealt with those objections?—No.

2587. Therefore, any notice to the persons objected to by the parish officers, must come from those parish officers, if any additional notice beyond writing the word "objected" is considered advisable?—Yes.

2588. Do you see any difficulty in making an index of the whole of the register, so far as the qualifications are concerned, so that you should be able to turn at once to the names, and see all the repetitions of a man's name, and for what qualification he is on the register?—There is no difficulty except with regard to the time that it would take, and the cost to the county.

2589. Have you ever considered what increased cost that would involve?—I have not; but in the time allowed by the clerk of the peace for the North Riding of Yorkshire for printing the register, it would be impracticable for him to make an index with 20,000 electors.

2590. Now, to go to another point, depending on what you have just said; after each day's revision are the lists sent by the revising barrister to you, or are they retained by him, and sent at the end of the revision as a whole?—They have been sent after each day's revision for the last three years; by the Act of 6th Victoria, the revising barrister is obliged to send the lists to the clerk of the peace at the close of his revision; but by the Act of 1865, he is obliged to send them to the clerk of the peace, forthwith.

2591. And, so far as you know, that clause of the Act of 1865 has been complied with?—It has; I should mention that it was done before the Act of 1865, at my request to the revising barrister, for my own personal convenience in making up the register.

2592. But apart from the difficulty that such a course

ourse would entail upon the clerk of the peace, ou see no objection to a nominal index of the hole register, with the qualifications and the umber of times that each man appears?—I can nceive no objection to it but want of time and ne cost.

2593. A supplementary list might, therefore, e published, if necessary, later in the year?—es.

2594. *Chairman.*] I do not quite gather from our answer whether you would have the costs ollow the event, if an alteration was made in the laim, or whether you would allow the alteration n the claim to operate as a bar to costs?—I vould leave that to the discretion of the revising arrister.

2595. Did I understand you to say that you hought to strike off duplicate entries was an infringement of the rights of the elector?—Yes, I lo think so.

2596. If a man has the right of voting by the recognition of his claim once or twice, do you think it is right that he should have his name printed at the expense of the county 50 times?—I think the expense to the county is a trifle; a man at the time of the revision may not know at what place it may be convenient for him to vote.

2597. In South Essex, we have evidence before the Committee, that in one year there were 450 duplicates; in East Kent 396 duplicates out of 3,639 12*l.* occupiers; and 69 duplicates in one district out of 173; do you not think that it is an enormous inconvenience as well as expense, both to the counties and the parties at elections, that that sort of thing should prevail?—My experience has not led me to any such figures.

2598. But supposing those figures to be correct, does not that modify your opinion?—Yes, it does. We have no such figure for duplicate entries as that in the North Riding of Yorkshire.

2599. You have informed the Committee of a person who voted twice and boasted of it. I suppose the usual questions were not asked him when he voted?—I was not present, but I should say not.

2600. If the usual questions had been asked him, he would have been guilty of a misdemeanor, and he might have been punished, might he not?—Yes.

2601. Is there no way under the present law of getting hold of a person who votes twice unless he has been asked the question whether he has voted before?—Yes, I am inclined to think that he would still be guilty of an indictable misdemeanor; but it would not be for the interest of any person to indict him, and therefore he would escape.

2602. Unless one of those political organisations indicted him for the sake of punishing a political adversary?—It happens so very seldom, that I only know of that one instance.

2603. You have stated that, if political organisations did not exist in a county, it would matter very little what state the register was in. But cannot you suppose the case of the political organisations having their action suspended on account of a truce between the two political parties having existed for some years, and then a sudden awakening of public opinion bringing on a contest, and the register being in a state which would be very imperfect and unsatisfactory; do you not think that having regard to that possibility, it is very desirable an attempt should be made to keep the register pure, apart from the extraneous machinery of political organisations?—It is very desirable, but I do not believe it will be accomplished.

2604. I will now ask you whether, as clerk of the peace, there are any points in which your duties bring you in contact with the registration matters on which you think the law should be altered?—No, with the exception that it should be compulsory on the clerk of the peace to issue a subpœna for the attendance of any person before the revising barrister. I do not remember any other point.

2605. Clause 7 of the Bill of the honourable Member for Stockton is to the following effect: "Immediately on the publication of every list, overseers shall forward to the clerk of the peace a copy thereof, and the overseers and clerk of the peace respectively shall supply copies thereof to any person applying for the same, either personally or by post;" it is not stated whether such copies may be printed or written, is it?—I see no objection in sending them to the clerk of the peace, and the overseers should be bound to supply copies to any person applying for them; practically we have never had the slightest difficulty in obtaining those copies from the overseers; but I see no objection in forwarding a copy to the clerk of the peace on the publication of the list, but as clerk of the peace he is not concerned in the list at that time.

2606. As clerk of the peace, you have nothing more to suggest to the Committee with regard to registration matters?—No, I think not.

2607. Mr. *Brand.*] I gather from your evidence that you think it is not at all desirable to have a more perfect official registration of voters than we have in counties?—I think it would be very unpopular in counties; I do not see where the cost is to come from.

2608. You stated that you considered that the action of the registration associations had a healthy effect on the constituencies?—Yes, I think so.

2609. Are not those registration associations supported mainly by a few wealthy partisans on each side, and the candidates perhaps themselves?—In my own district, in the three polling districts which I have charge of, the costs on my side are paid, as you say, by three or four wealthy individuals.

2610. And that is the same throughout the country generally, is it not?—I think it is.

2611. In fact, you consider, as far as you can see, that if those registration associations ceased to exist, that would in itself be a proof of apathy on the part of the constituencies?—I think it would.

2612. Now, the character of the Legislature depends on the registration, does it not; the component parts of the House of Commons depend for their character on the registration, do they not?——

2613. And the registration, as you allow, depends for its success in counties on the activity of certain wealthy partisans on each side?—Yes.

2614. Do you think that that is a desirable state of things?—I do not see how it is ever likely to be altered.

2615. That is another question; you gave it as your opinion, just now, that registration associations had a healthy effect on constituencies?—Yes.

2616. I have been trying to prove to you that they have not; do you still consider that registra-

Mr. *T. T. Trevor.*
17 June 1870.

tion associations have had a healthy effect on constituencies?—I do consider that registration societies have a healthy effect on the purity of the register.

2617. In your opinion would it be possible in any way to get an efficient official register of voters in counties; that is to say, a more efficient official register than we have now?—Not without the intervention of some machinery for that purpose, at a great cost.

2618. Is there no official in the counties now existing who could make a good official for registration purposes?—I am not aware of any such person; I know of no person who would of himself be able to make a register that would ensure respect from all the electors.

2619. Take the North Riding of Yorkshire; do you not group townships in the North Riding of Yorkshire into unions of townships?—Yes; the number of townships in the North Riding is rather over 600, each supporting its own poor.

2620. But you have an assistant overseer, generally, speaking for each township, have you not?—All populous townships have assistant overseers in my neighbourhood.

2621. Do you not think that the assistant overseers would be efficient men to carry out a system of registration?—Not without check and supervision.

2622. The revising barrister would check them, would he not?—No; I think the political parties on each side are the best check.

2623. You are thoroughly enamoured with political associations, are you not?—The result of the political associations is that the register is pure. I do not say that their existence is desirable.

2624. New claims are put in officially at present by overseers, and persons may find themselves on the register without their knowledge, and, perhaps, without their consent; is not that the case in counties?—A claim cannot be made without a man's consent.

2625. I mean that it is the bounden duty of the overseer to put on every voter who has a claim in respect of occupation?—Yes; 12 *l.* occupiers.

2626. Then it is possible that persons may find themselves on the register without their knowledge or consent?—Yes.

2627. How would you deal with costs in such a case as that, supposing the vote was objected to?—I would make the fact of his being rated at 12 *l.* conclusive on the question.

2628. But supposing the occupation failed to substantiate the claim, would you allow costs?—He would not be called upon to substantiate his claim, and no costs would have been occasioned. If a 12 *l.* occupier was improperly put upon the list, and objected to, the objection would hold good before the revising barrister, because the rate book would prove whether he was rated at 12 *l.* or not.

2629. Is it not the case that registration associations employ people to send in claims, that is to say, employ one man to sign a certain number of claims?—I have never done it.

2630. The Committee have had evidence befo them to the effect that they may employ son agents to make out 100 claims and send them to the overseer, and he is forced to put them the list?—I apprehend he would, unless he h notice that it was a trick.

2631. It might very possibly happen that person who had a right to vote, but did not wi to press his claim, might find himself on t register without his knowledge and consei might it not?—Yes, it is possible.

2632. Suppose an objection is made to th claim, and the objection is upheld, how would y deal with the question of costs in such a case that; whom would you make liable for costs? Such a case as that never came within my kno ledge, and I am hardly prepared to give an opini upon that subject.

2633. Mr. *Johnston.*] You said that you wou increase the polling-places to the greatest p sible extent?—Yes.

2634. That is to say, you would have one every parish?—That would be impracticable.

2635. Then how would you increase them the greatest possible extent?—That depends what you mean by "possible;" I would rath say to the greatest practicable extent.

2636. Sir *H. Johnstone.*] Are you aware th in Ireland there is a Registration Act, which w passed nearly 20 years ago, simplifying the reg ter, and making it effective?—No, I was n aware of that.

2637. The consequence is, as a rule, not have a registration agent in counties in Irelan are you aware of that?—I never knew of that.

2638. In the year 1861 there was an A passed for Scotland which is now the Law of R gistration for Scotland; were you aware of it?- No, I was not aware of it.

2639. Mr. *Read.*] In your pure and happ neighbourhood, I suppose, there are no man facturers of faggot votes?—We have none.

2640. Have you not in that district any those new-fashioned rentcharges which a granted merely for the purpose of conferri qualifications?—I do not call that a faggot vote

2641. But have you any of those votes?—N we have no association for that purpose.

2642. But have you any of those rentcharge which are conferred simply for the purpose granting qualifications?—I have known instanc of that within the last six months; a landown in the North Riding gave two qualifications his two sons, each for the purpose of conferring vote.

2643. In that case how is it possible for a objector to know whether that deed is properl executed or not, without making an objectio and having it proved before the revising ba rister?—Exactly; I do not see how it is po sible; but if a man makes an objection, and pe sists in the objection, he must do so at the ris of being liable to costs just as he would be in an other case.

2644. *Chairman.*] Is there anything else th you wish to state to the Committee?—No.

Mr. Lewis William Cave, called in; and Examined.

Mr. *L. W. Cave.*

2645. *Chairman.*] Have you acted for some years as a revising barrister?—Yes; I was appointed in the year 1865, and I have been reappointed ever since.

2646. You have acted as revising barrister i the North Riding of Yorkshire, and in the sout division of the West Riding since that time have you not?—For three years I acted in th North

rth Riding of Yorkshire, and for the last two rs I have revised the southern division of West Riding of Yorkshire.

2647. Are there political organisations at work both those divisions?—It is a very perfect one the south division of the West Riding; in the th division of the West Riding it was not so fect when I first went there, but it was im-ved subsequently.

2648. Have you ever acted as revising bar-ter in any county where there was no political anization existing?—No.

2649. Do you find a certain confusion existing registration matters?—Yes, there is great con-ion at present.

2650. Will you be kind enough to state to the mmittee the particular points in which you ink there is confusion?—There are two sys-ms; first, there is the system of voting in re-ect of ownership of property; and, secondly, at of voting in respect of occupation of property. nder the present system, two lists are made out; e I may call the permanent list, and the other t is made out afresh every year. The second t, namely, the occupation list, is made sub-diary to the permanent list, and the names in e permanent list have to be struck out of the cupation list every year.

2651. Is it your opinion that the names should e struck out of the owners list rather than out the occupation list?—I should say that that ould lead to a better state of the register, be-use the overseers know very well who is an cupier, but they have great difficulty in ascer-ining who is an owner.

2652. Then occupation in your opinion should e the primary qualification, and ownership the bsidiary qualification?—Yes, I think so.

2653. Have you formed any opinion about ersons voting in the county or the division in hich they reside, rather than that in which their roperty is situated?—I think they should vote here they reside.

2654. Do you mean that you would exclude ersons who have property in one county and are siding in the other; would you go so far as at?—Yes, I would go so far as that; under e present state of things a man with substan-ally no property at all may get a qualification almost every county or division in England.

2655. Upon the question of the lists, do you ink it would be possible that there should be nly one list for both owners and occupiers?—es, quite.

2656. The qualification being stated opposite e name?—Yes.

2657. What is your opinion about the appoint-ent of a permanent officer such as the assistant verseer?—I think that there should be assistant verseers who should be permanent officers for he purpose of making out the lists of voters.

2658. Have you found the parochial overseers re inefficient persons?—In the North Riding, here there are, generally speaking, no assistant verseers, the work is done very badly; but in he south division of the West Riding, where ssistant overseers exist in almost every township, he work is done very well.

2659. Do you find that the directions given to he overseers by the clerks of the peace are fficient to guide them?—I think they might be nade more precise. In the south division of the West Riding they are rather more precise than hey are in the North Riding; for instance, one of the copies of each list sent to the overseer has printed upon it, in red ink, "This copy to be returned to the clerk of the peace;" that is not required by the Act of Parliament, but it is a very great convenience to the overseer to be told in that way what he has to do with a particular list. Again, in the south division of the West Riding, the lists are all pasted upon forms properly prepared for that purpose, and therefore they come to the overseer made out, all of one uniform size. In the North Riding of Yorkshire the old list was simply cut out of the register and sent to the overseer; very often it came in several slips; sometimes there was a slip with only one name on it, and very often a small slip would get lost with three or four names on it.

2660. Have you ever had reason to doubt the reliability of overseers, or to suppose that they were actuated by any political motives?—No, I have not.

2661. Do you think *quâ* registration that the parochial officers might be superseded by permanent assistant overseers altogether?—Yes.

2662. And when the work had been done by those assistant overseers, would you have a supervision by the clerk to the guardians, or would the list go direct to the revising barrister?—I see no use in having a supervision by the clerk to the guardians; I do not think that any person would be satisfied with that; the assistant overseers would do their work very fairly as they do now in the south division of the West Riding, and those who are dissatisfied with what the assistant overseers do, would perhaps be equally dissatisfied with the decision of the clerk to the guardians.

2663. Now with regard to the facilities for getting on the register, do you think that they are sufficient at present?—I think they are, provided the Acts of Parliament are worked properly, but there has grown up a system of refusing costs in the case of first claims, which very much tends to prevent persons supporting their claims.

2644. Did you hear the evidence of the last witness with regard to the change of qualification by a claimant before a revising barrister?—Yes.

2665. Do you think it would be possible that such a practice could be engrafted on the existing Acts of Parliament?—To some extent it could; suppose a man is on the register as the occupier of a farm, say Black Acre, and he changes his occupation to a farm in the same village called White Acre, but he makes no claim in respect of that change; that change in the qualification I cannot alter, although everybody is satisfied that that is a good vote. Again, a man having claimed in succession the preceding year, farming in succession, No. 1, White Acre, and No. 2, Black Acre, makes no alteration in his claim in the following year, though he ceases to occupy in succession, and he is objected to because he now occupies a single farm only, and has not a succession qualification.

2666. But would it not be the duty of the overseer to have made the proper alteration in that case?—The overseer has no power to do it; I am speaking now of the 50 *l.* occupiers; of course with regard to the 12 *l.* occupiers, it would be his duty to make the proper alteration.

2667. Is there any reason for keeping the Chandos Clause 50 *l.* occupiers in the old list, instead of bringing them into the 12 *l.* list?—Only this, that they would not all be entitled to come on the 12 *l.* list.

Mr. *L. W. Cave.*

17 June 1870.

2668. What class of them would no be so entitled?—I think there is a limit to the number of persons who can claim as joint occupiers on the 12*l.* list, and also persons on the 12*l.* list must be rated.

2669. Is not the 50*l.* occupier invariably rated?—Not invariably; I think Mr. Freeman explained with regard to the case of mill occupiers, that they are not always rated.

2670. I think that I understood you to state that you would give a large amending power to the revising barrister?—I would.

2671. But in what way would you limit it, because I understood you to say that you did not entirely agree with the last witness; where would you limit the revising barrister's powers?—I have hardly considered the question, but I think it is difficult to give any limit, except the discretion of the revising barrister.

2672. Would you allow the revising barrister at his discretion to insert a claim for an entirely different qualification from the original claim?—If, for instance, a man were to claim as a 50*l.* occupier, and wished to turn that into a rent-charge, there is no similarity between those two cases, and I should not be disposed to allow that.

2673. Might you not limit the revising barrister's power in this way, that the power of amendment should only be exercised if the qualification were the same in matter, though not the same identically?—It might be done in some such way as that; I might give the Committee an instance; a man is on the register as owner in respect of the house in which he lives, he is also the possessor of the adjoining house; if he sells the house for which he is on the register I should be inclined to give the barrister power to put him on the register for the other.

2674. Although he had omitted to send in a claim for it?—Yes.

2675. Mr. *Brand.*] I think it is your opinion that the revising barrister should correct any mistake, so that no claims should fail from any technical error?—Yes; but the amending power which I propose to give goes beyond that.

2676. *Chairman.*] If a totally new qualification were advanced by a claimant, do you not think that the objector would be placed at a disadvantage in not having had time to investigate the particulars of that claim, and that the door might thus be thrown open to fraud to a considerable extent?—No; I do not think it would be so in practice.

2677. But, where political organisations exist, is not the objector really nobody; is not the real objector the registration agent?—Certainly.

2678. Then, if a new claim were suddenly started upon him, he would not have the opportunity of picking holes in the claim which he had with regard to the first claim?—No, he would not have the same opportunity; there is that difficulty, no doubt. But if that were a claim that required investigation I should be disposed to exercise my discretion by refusing to put it on the register.

2679. Then, with regard to costs in the case of a first claim, do you think that it would be wise to leave that to the discretion of the revising barrister?—I believe, according to law, it is within the discretion of the revising barrister now; but in cases of first claims they refuse to exercise their discretion very generally.

2680. Is that a wise decision on the part of the revising barristers or not, do you think?—is a very unwise one, I think.

2681. Will you be kind enough to state y reasons for thinking so?—When I first w round the North Riding of Yorkshire, the sons who were objected to, who were first cla ants, continually asked for their expenses, stat that they had been brought there at a great to themselves, and could I not give them so thing: the objection was always made that was not the practice for revising barristers to so in the case of first claims; I did not wish make any alteration on what my predecessors done during the first year of my revision; when I got to the northern part I found mysel company with Mr. Udall, and I talked the ma over with him, and we both agreed that costs ou to be given in the case of a first claimant succe ing in establishing his claim, and I determi in future to act on that view; the second y when I went round I explained to the age what my views were on the subject; I fo that out of the total number on the regis about one-fifth had been objected to, and in particular place one-third of the whole numbe votes; I pointed out to them that this was abuse of the power of objecting, which in opinion could only be remedied by giving c in the case of first claims.

2682. Mr. *Read.*] Do you mean all the n voters, or the whole of the voters on the regist —I mean one-fifth of the total number of vot on the register; every new voter was objected t a matter of course; this was in the North Ridi

2683. *Chairman.*] I am going to read to y the opinion of another revising barrister: " the foot of the claim there should be a statut declaration made by the claimant, or some per authorised by him in writing for the purpose, t to the best of declarant's knowledge and belief contents of the claim are in all respects accura and that the claimant is entitled to the qualifi tion in respect of which he claims to vote. A that such declaration *shall* be accepted by revising barrister as *primâ facie* proof of claimant's right to vote in accordance with claim, but subject to such proof being rebutted other evidence." Would that, in your opini be a good provision?—No.

2684. Why not?—I think that the statut declaration would be made (in the same way the claim is now sent in) without the slight consideration.

2685. On that ground you would not allo declaration made before a magistrate to be su cient evidence without the appearance of claimant in court?—Certainly not.

2686. In fact, you would sweep away whole theory of statutory declarations?—I do believe in their value at all.

2687. Do you think that the existing chec against improper registration are sufficient?—think they are. The chief cause of impro registration is with the registration societies the selves. Voters very seldom make claims of th own head; they are generally got to do so by agent of the registration society.

2688. Do you find that overseers object to b qualifications in general?—They do; I can gi some figures on that head; in the year 1868, whe was revising the south division of the W Riding, the number of objections made by t overseers was 796, and the number of pa objections amounted to 3,558; I should say th

e register for that year was rather over 19,000 rsons; the following year the overseers' objec- ns were 787, which was nearly the same as the evious year, and the party objections amounted 2,186, that was in the year 1869.

2689. Were the overseers' objections almost variably substantiated?—Almost invariably.

2690. Were many of those party objections volous?—A great number of them were.

2691. Were costs given in many instances?— es, in a good many instances; I found that the w claims, in spite of all I said, were objected indiscriminately.

2692. You gave costs in the year 1868, did u not?—Yes.

2693. That probably would account for the jections by the parties being 1,400 less in the ar 1869 than in the year 1868, would it not?— ot quite, because in the year 1868 there was enormous increase in the number of voters m the passing of the new Reform Act, and as ry little was known of those new voters they ere objected to in great numbers. There was very large number of new claims in the year 68, much larger than in 1869; I do not think at my action in giving costs in 1868 had much fect in 1869 in diminishing the number of ob- ctions; the operation it would have (if any) ould not be in diminishing the number of jections, but in causing them to be withdrawn bsequently.

2694. Do you think that that practice of with- awing objections is a good practice?—I think is a good system to this extent; there is hardly fficient time given for the objector to ascertain ithin the time allowed whether the vote is a od one or not; he therefore makes his objec- on, and if he subsequently, before the sitting of e court, finds out that the vote is good, he with- aws his objection; I should say that those ithdrawals are, strictly speaking, not legal; the ourt of Common Pleas has decided that the jector cannot withdraw his objection, and that ny other person may take it up.

2695. Is it not desirable in your opinion that ere should be a power of withdrawing objec- ions?—Very desirable.

2696. You think that there is not such a power ow legally?—I think there is not.

2697. With regard to objectors, and objections enerally, is it not the fact that unless an objec- on is made a person comes on the register with ery little proof of his claim?—Unless an objec- on is made a person comes on the register with- ut any proof of the claim whatever, except in e case of persons who have been omitted from e 12 *l.* list by the overseers, and who have sent a claim to be put upon that list.

2698. That is to say, if I were to claim a vote r the North Riding of Yorkshire, and you were evising the list of voters, although I have not n acre of property there you would feel bound put me on the register unless there was some bjection made?—I could not help it.

2699. Do you think that that is a good sys- em?—I have hardly considered that question.

2700. Do you think it is right that a person, efore he is put on the register of voters, should how in some way that he has a claim to be upon ?—I hardly think he should, because you would eep so many persons off the register if you were require them to do anything which would ntail expense or trouble.

2701. You are aware that there are political organisations looking after the voters of their own party, and that the expense and trouble would be very little to the voter provided you took the evidence as it is now taken in the revising barrister's court?—The voter has to attend. If he were required to attend, it would entail expense and trouble.

2702. I do not put it that the voter should be required to attend, but that some proof should be given by letter, or through an agent, that he is possessed of the necessary qualification; at all events that some such proof as is now admitted should be given before the voter is put on the register; do you think that that is a good plan?—I hardly see how it could be given.

2703. When you have at present a claim before you, you do not require strict legal proof even if there is an objection, do you?—No.

2704. If an attorney of good repute comes before you and states that he knows A. B. has a good qualification, you hold that sufficient unless there is strong evidence against it, do you not?—Generally, I do unless the other side ask me to require strict proof.

2705. Would there be any great hardship in requiring some such evidence in every case?—I do not know that there would.

2706. Without that is it possible to guard against fictitious votes?—It would be difficult to do so without the action of the registration societies. I have done it to this extent, that if the opposite side have applied to the new claimant for information about his claim, and he has refused to give it, I have never given him the costs of coming into court.

2707. With regard to appeals, do you believe it would be better to make an appeal a matter of right, and not leave it to the discretion of the revising barrister?—It should be a matter of right, I think.

2708. You would take some guarantee in the shape of a small deposit, I suppose, on the part of the apellant?—Yes.

2709. Have you read the Bill of the honourable Member for Stockton, which is before this Committee?—Yes.

2710. Are there any points in that Bill which you particularly wish to remark upon?—With regard to the 4th section, I think it would be difficult to state the ground of objection to a new claim in the time which is now given for investigating such matters. In the case of old claims, of course, there is the whole year to investigate them, whereas in the case of new ones there are only a few weeks.

2711. I notice that the words of the 5th section are, "that the revising barrister shall award costs." The marginal note is, "May award costs." But I understand you to say that in your opinion the giving of costs should be in the discretion of the revising barrister?—Yes.

2712. Would you propose to increase the amount of costs which may at present be given?—I think the amount of costs which may at present be given is sufficient; I have never had occasion to give even as much as 5 *l.* With regard to leaving that discretion with the revising barrister to give costs or not, I should almost prefer some such clause as the 5th clause, looking at the way in which that discretion has been exercised up to this moment.

2713. Do you think that the 5th clause would be a useful clause?—Yes, I think it would.

2714. Now, do you think that the rules upon

Mr. *L. W. Cave.*

17 June 1870.

which the revising barristers act are sufficiently uniform to make it undesirable to interfere with them, or do you consider that the superior courts should frame rules for their guidance?—I think it might be advantageous that the superior court should frame rules for their guidance; at present the revising barrister can be appointed when he is only of three years' standing, and if that limit is to be maintained, I think rules should be laid down for their guidance.

2715. Are there any other points with regard to the registration of voters that you would like to bring under the notice of the Committee?—With regard to the 8th section of this Bill I do not think that the oath there proposed is at all necessary, or that it would be advantageous.

2716. The Committee have been informed to-day by the previous witness that the jury lists which, as you know, are sworn to, are not always accurate; is it not the case that taking oaths in such matters leads to rather a light manner of considering an oath?—Yes, my opinion is that it leads to a very light manner of considering an oath.

2717. It would be almost better to have an affirmation, perhaps, in all those cases?—Yes, very much better; I object to all those unnecessary oaths.

2718. But whether it be an oath or an affirmation, all that is required, and that you wish would be that the overseer should state that the lists are accurate according to the best of his belief, I suppose?—Yes; I do not know that any statement or declaration is necessary; if I find an overseer neglecting his duty I make some deduction from the allowance for his expenses, and that is far more efficacious than anything else that I could suggest.

2719. Do you think that the remuneration given to overseers at present is sufficient or insufficient?—It varies very much. In some places I think it is very insufficient. In the North Riding, I found it was invariably the practice to allow an overseer for his expenses 6 *d.* a mile one way and nothing more, so that an overseer who had to come 10 miles to the revising barrister's court and back, got 5 *s.* He was allowed nothing for preparing the lists or for his trouble in posting them up, or for anything else that he had to do. In the south division of the West Riding, on the other hand, considerable sums are paid, and those circumstances are taken into consideration by the assistant overseers when the amount of their remuneration is fixed.

2720. Is there anything else you wish to state in reference to any other clause of the Bill?—I should like to add something with regard to clause 10 of the Bill. I think it is not desirable to require that the revising barrister should hold a revision court at each polling-place.

2721. Where would you place the discretion with regard to holding those revision courts?—I know of no reason to take it from the court of quarter sessions.

2722. Do you think that at present the court of quarter sessions has power to fix the number of courts which shall be held, and the places at which the courts shall be held?—Yes; subject to the power of the barrister to increase the number fixed by the quarter sessions; he cannot decrease it.

2723. At all events, it is your opinion that the court of quarter sessions might safely have that power?—I think so. That power has been very fairly exercised, both in the North Riding an the south division of the West Riding. I co not at all improve on what the magistrates h done there.

2724. Do you think on the whole that present registration laws are working w or that their arrangement and consolidatio necessary?—I think that their arrangement consolidation is necessary.

2725. But apart from the suggestions wh you have made to the Committee, you have other points to bring specially before us, I s pose?—Something should perhaps be done in way of enforcing the payment of costs when t are given against a claimant. At present, i were asked to give costs against a claimant had sent in a groundless claim, I should h very little idea how those costs would be forced.

2726. What would you propose in that spect?—I would propose some summary met of enforcing them before a justice of the pe I might mention that I observe in Mr. Ver Harcourt's Bill a proposal to give the nomina of the revising barristers to the Court of Com Pleas; that would not be at all desirable, cause cases constantly arise where from illn or other unforeseen circumstances, the appo ment of an additional barrister is wanted, generally in the Long Vacation, when the Co of Common Pleas could not be found.

2727. You see no reason to alter the pre system in that respect?—No reason whatever should require that the revising barrister sho be a gentleman of five or seven years stand in place of three years.

2728. Do you agree with the last witness w regard to the desirability of allowing every to be on the register as often as he can?—C tainly not.

2729. I presume you rather agree with evidence of previous witnesses who have b examined before this Committee that duplica should be struck off?—Yes, I think that du cates should be struck off.

2730. And not struck off by consent, I s pose, but there should be power to do it Just so.

2731. Would you let a man keep his n twice on the register, so that he might not a dentally lose his qualification?—So long as retention of his qualification is necessary to vote he should have the power to keep his n on the register.

2732. Supposing the work went straight f the assistant overseers to the revising barrist court, each assistant overseer representing aggregate of parishes, do you see any diffic in such a comparison of notes as would ena the striking off of duplicates to be effected w out any great difficulty?—I do not.

2733. Mr. *Brand.*] I gather from your dence that you find great difficulty in constru the present Acts of Parliament with regard registration?—There is some difficulty.

2734. I presume that these remarks of Justice Byles pretty accurately describe y views; they were with regard to a case occurred in the year 1868: He said, "I shall trust myself to make any remarks which are strictly applicable to the exact question before because these various enactments are such as to pose both the voter and the revising barriste those courts to many difficulties of constructio wh

which they may very easily be entangled?—Those remarks tolerably accurately describe my views, but the Court of Common Pleas sees all the difficulties of the practical working of the machinery. They have before them all the difficult cases only; but still there is no doubt that the registration laws require consolidation and amendment; they are rather complex, and in many cases difficult to construe.

2735. I think you said that it was desirable to incorporate the owners and occupiers into one list?—Yes.

2736. Has your attention been called to the 6th of Victoria, chapter 18, section 47, which says, "That the said lists of voters for each county, signed as aforesaid, shall be forthwith transmitted by the revising barrister to the clerk of the peace of the same county, and the clerk of the peace shall keep the said lists among the records of the sessions, and shall forthwith cause the said lists to be copied and printed in a book or books arranged with the names in each parish or township, in strict alphabetical order, according to the surnames." Have you found that the lists are kept in strict alphabetical order?—In the south division of the West Riding they are. In the North Riding they are not strictly so. The names under one letter are kept together; the A's are kept distinct from the B's; but the alphabetical arrangements very often do not extend to preserving proper arrangement among the names of one initial letter which very much increases the difficulty of finding out duplicates.

2737. Would it be an advantage to make the words "in strict dictionary alphabetical order"?—I do not know that it would be any advantage; it is quite clear what the Act of Parliament means.

2738. Probably the clerk of the peace would pay no more attention to it than he does now?—Probably not.

2739. But it would be a great advantage to the revising barristers if he did so, would it not?—Yes.

2740. You said that it would not be desirable to incorporate the Chandos 50 *l.* occupiers into the 12 *l.* list, because they would not all come under it in cases of joint occupation, did you not?—Yes, it would not be desirable to merge them in the 12 *l.* list. They might be incorporated with it, that is to say, the two lists might be incorporated together, and the 50 *l.* occupiers might still claim where they found that they would not be on the register as 12 *l.* occupiers.

2741. It would not be desirable to repeal the Chandos clause, you think?—I think it would deprive some persons of their votes if you repeal that clause.

2742. But do not the 50 *l.* occupiers now claim as owners of property too?—Yes, if they are such.

2743. Then those 50 *l.* occupiers who were omitted might claim as they do now, might they not?—Yes.

2744. Would that be any hardship upon them, do you think?—None.

2745. And then they might be merged into the 12 *l.* list, might they not?—They could not claim as 12 *l.* occupiers; if the franchise were preserved to them they would claim under that franchise, and they would be inserted in the list for that franchise.

2746. The great object of the revision, in yonr opinion, is to get as many persons on the register as possible, is it not, so long as you can at the same time keep the register pure?—The object is to get every person on the register who is entitled to vote.

2747. So long as you keep it pure?—That does keep it pure.

2748. Pureness would be secured by the proposition that every claimant in the first instance should prove his qualification, would it not?—Yes; purity would be preserved no doubt, but that would be done at the expense of a great number of votes; that is to say, persons who were put on the register would be properly there, but a great many voters would be kept off the register.

2749. Could you not avoid that by some safeguard; could you not give further advantages to claimants after they had proved their claims, by protecting them from any further trouble with respect to objections?—That could hardly be done with safety, because a man is liable to lose his qualification.

2750. How would you guard against it; suppose that every claimant was first forced to give evidence of his claim, and then the word "proved" was marked against his name, so that the presumption was entirely in his favour, how would you protect the register; supposing the voter had parted with the beneficial interest in his property, would you require him to make a declaration to the clerk of the peace that he had parted with his property; do you think that would be sufficient?—No, I think it would not be sufficient, because persons would not take that trouble.

2751. Do you think that a third question put to the voter at the polling-booth might be sufficient if you imposed a penalty for a false statement; there was a third question formerly put to the voter to this effect, "Do you still retain your qualification?" would that be enough, do you think?—I can hardly give an opinion upon the subject; I have no experience of the actual conduct of an election.

2572. Do you think that you might make the fraudulent exercise of a vote a misdemeanor?—It would be very difficult to get a jury to convict, I think.

2753. I suppose, if the ballot becomes law, parties being ignorant of the way people will vote, will encourage them not to object so much as they do now, will it not?—I cannot say what effect that would have; after the Reform Act was passed, the result was that the number of objections was increased, because, not knowing how the newly enfranchised persons were going to vote, very often both sides objected to them.

2754. I gather from your evidence that you think it would be a hardship upon a claimant to require him to prove his claim in the first instance?—I think so.

2755. Do you think it would be desirable that the overseer should make a declaration that he objected to all persons who, to his knowledge, had ceased to be qualified?—I attach no value to a declaration of that kind. If I find an overseer objecting to persons who are entitled to vote, I call upon him for an explanation, and if he cannot give me a satisfactory one, practically, I fine him by allowing him less money for attending the court; but I very, very rarely have had occasion do anything of the kind. The overseers do their work very fairly; the only thing is that they do not object to new claims. They object to persons already on the register when they have lost their qualification, but they do not like to object to a new claimant.

Mr. *L. W. Cave.*

17 June 1870.

2756. I gather from you that a great proportion of the business taken before the revising barrister is of a very trivial nature, and might very well be settled by another official if he was a competent person?—It might be settled by the parties themselves if they would only take the trouble. At Middlesborough, which is a very large place in the North Riding, before it was made a borough the parties used to meet and consider the objections on either side, and withdraw them by arrangement; that was by far the largest place in my district, and it never took me more than an hour to revise the lists, and that time was simply occupied in registering the decisions at which the parties themselves had arrived.

2757. Mr. *Dodds.*] Did you not find that the same thing prevailed at South Stockton and Yarm?—It may be so.

2758. Mr. *Brand.*] I suppose that a great deal of trouble might be saved to you if those petty squabbles were settled before an intermediate official?—The question is, whether they would not fight them again.

2759. They would not be satisfied with his decision, you think?—Perhaps not; they can settle them by themselves, if they please.

5760. Of course I mean that they should be settled before the registrar, with an appeal to the revising barrister's court; do you think that would be the best course?—I think if costs are given in the case of first claims it leads the parties to meet in order to settle those matters beforehand; I find that tolerably effectual. I may say, that in the year 1866, I think it was, when there were a very large number of objections to voters in the North Riding, I gave notice at the first sitting of the court, that I should give costs in the case of first claims, and I found afterwards that parties came into court with a great pile of objections on one side of them and a great pile of notices of withdrawal on the other.

2761. Has your attention been drawn to Mr. Vernon Harcourt's Bill?—Yes, to some extent.

2762. Do you approve of the powers which he proposes to give to the registrar?—I think them unnecessary, because the assistant overseers do their work very well, especially in boroughs.

2763. Am I right in saying that Mr. Vernon Harcourt proposes that the registrar should investigate accounts, determine all claims and objections, and publish a corrected list before coming to the revising barrister's court?—Yes.

2764. You think it is not desirable to do so, do you not?—I think it is giving the voter a great deal of unnecessary trouble. If he has to go before the registrar, he will have to appear once before the registrar, and then, unless that decision is acquised in, again before the revising barrister. If he is not to go before the registrar the registrar cannot safely arrive at any decision.

2765. Mr. Udall recommended to this Committee that the revising barrister should be appointed in the spring circuit, for this reason, that he might be applied to by persons interested in the revision, and by the official agents; do you approve of that?—I think that is a very useful recommendation.

2766. Do you think that the qualifying day might be with advantage thrown forward. It is now, I believe, the last day of July. Would it be desirable that all voters might be allowed to qualify up to the last day of August?—My attention has hardly been drawn to that point; I do not know how that would work with respect to the power of objecting.

2767. Mr. *Richards.*] Do you think it would be desirable to make it incumbent on all parishes or unions of parishes to appoint assistant overseers?—Very desirable; a permanent overseer is generally either above the work, or below it, that is to say, either a man of too much importance to undertake work of this kind, or else too ill educated to attend to it. In country districts very frequently the latter, and the result is that the work is very generally done by the schoolmaster; when I speak of permanent overseers, I mean permanent assistant overseers; what we want is a permanent officer, but whether he is an overseer or an assistant overseer is not so material.

2768-9. Any question of costs would, in your opinion, be out-weighed by the advantages?—The costs would not be very great, I think; there are costs now attending the preparation of those lists which have to be allowed to the overseers, and if one assistant overseer is substituted for 15 or 20 overseers, the costs which he would receive, and which otherwise would go to the overseers, would go very far to pay the assistant overseer.

2770. Do you think that if the removal of the assistant overseer could not take place without the consent of a central authority, such as the Poor Law Board, or some other authority, the work of objecting would be more effectually done by assistant overseers than it is at present?—I think it would.

2771. You think there would be less fear of a man's not doing his duty, I suppose?—Just so; but except in the case of new claims I have not found the overseers fail much in the duty of objecting.

2772. With regard to removals, you mean?—Yes, they do that very well where a man has left his occupation; they make out the 12 *l.* list very well indeed.

2773. My question had more particular reference to the qualification ceasing from the sale of property, or the voter otherwise parting with the qualification?—The overseers at present object to a person who has lost his qualification by the sale of property, very generally.

2774. Would you propose to make it incumbent on the assistant overseer whenever he objected to a person's vote, to send notice of objection to the party to whom he objected?—I think not; that would increase his difficulties, and would tend to prevent his objecting.

2775. If he were an officer appointed without fear of removal, would not that in some degree modify your opinion?—Not in that respect; the more notices he has to prepare and send out, the greater the difficulty would be in getting him to do the work.

2776. Is it capable now of becoming a great hardship that the overseer or assistant overseer may object to a man by merely putting the word "objected," without giving any other notice?—Practically that does not cause any hardship. The list of objections is published on every place of worship in the township, and I do not find as a rule that the overseers object, except when the objection can be sustained.

2777. Apart from the political organisations that exist in most counties, do you think that the present system would give us a register that would be approximately pure or correct?—It is very

very difficult to say how it would work in the case of claims. The claims are now in the hands of registration societies, and they are generally made by their agents. There might be, in the first place, considerable difficulty in getting persons to make their claims; and when a claim is made, there is great difficulty in getting an overseer to object to a claim at the present time. Of course if it were made his duty, and he were a permanent officer, he would probably do it better.

2778. If there were no political organisations, do you not think that a very large number of men qualified to be on the register would not appear there at all?—I think it is probable they might not.

2779. In a great many districts it is considered almost a trouble to appear before the revising barrister at all, is it not?—Yes, it is. The 10 *l.* occupiers would of course be put on without any trouble on their part. I merely speak of those persons who have a qualification with regard to a freehold, or something of that kind, but who are not occupiers in the township.

2780. Sir *Harcourt Johnstone.*] Do you know the Act of Parliament which was passed in the year 1851, for the purpose of improving registration in Ireland?—I have not considered that Act.

2781. Have you seen the evidence which was taken before a Committee which sat in the year 1864 on that subject?—No.

2782. I will ask you whether, if it is true that the Irish system is a perfectly self-acting system of registration, according to the evidence taken on that occasion, any such system could not be adopted in this country?—If that is true, I know of no reason why it should not be so in this country. The great difficulty is in ascertaining the different property qualifications. It is not at all difficult to get at the occupation qualification, because it is visible to the eye. But property qualifications are very difficult to ascertain. I do not know whether there is any mode of registering property in Ireland which might remove that difficulty.

2783. Are you aware that in Ireland it is not the rule to have registration agents in counties?—I do not know what the practice is there.

2784. Are you aware that in the year 1861, there was an Act of Parliament brought in for the purpose of improving the registration in Scotland?—I have not considered that matter.

2785. You have not heard, I suppose, of there being county assessors appointed in Scotland?—Yes, I have heard of that.

2786. You are not aware of any part of the system of registration in Scotland at this moment, I suppose?—I am not.'

2787. Mr. *Read.*] I think I understand you to say, that you would have but one list for all the different voters, and the different qualifications?—I would have but one list; the present division of the lists creates difficulties which would not exist if there was only one; the overseers have to pursue a different course with regard to the two lists. With regard to one of the lists, they have simply got to re-publish it; and with regard to the other, they have to make out an entirely fresh list, and there is a great tendency on their part to make out an entirely fresh list of both sometimes, and sometimes they simply re-publish both.

2788. Do you think that the republishing of the lists would be sufficient. Is there not an immense deal of labour lost in preparing those 12 *l.* occupiers' lists every year?—If the Act of Parliament were carried out, there would be still more labour lost than there is. In the South Division of the West Riding, for instance, it frequently happens that the 12 *l.* list contains an enormous number of names, of which the great bulk have to be struck out, and the overseers seeing that, very frequently publish as the 12 *l.* list, a list simply of those persons who are not in the property list. That is not in accordance with the Act of Parliament, but it saves them and the revising barrister, and every one else, a great deal of trouble, and no one objects to it.

2789. If you had but one list, would you allow a man to claim as he pleased, provided he had two qualifications, as a freeholder, or as a 12 *l.* rated occupier; would you allow him to claim, under his different qualifications, as he chose; for instance, to claim as freeholder in preference to being put on the register as a 12 *l.* rated occupier?—I would allow a person to be on for two qualifications; one might be the freehold, and the other might be the 12 *l.* rateable qualification. I think there should be something of that kind, so long as the retaining of the qualification is necessary to the legality of the vote.

2790. I suppose you know that the majority of tenants who have any real property prefer to be on for the freehold qualification?—Yes, I know that they prefer it.

2791. When you find that a man is rated in the rate book at 12 *l.* or upwards, do you consider that conclusive and absolute evidence of his qualification?—No.

2792. In what cases would you allow an objection?—If an objector were to prove before me that the occupation was not to the amount of 12 *l.*, of course I would allow the objection.

2793. You would allow the objector to be a much better judge than the assessment committee of the union of the value of a man's property?—No, I do not say that; I say that I would take the value as appearing in the rate-book as *primâ facie* evidence that that was the amount of it. But if it was proved before me that that was not so, I have no option left me but to act upon the proof given me.

2794. But is it not much stronger proof that the assessment committee of the union have proved to their satisfaction that it is a good qualification?—It may be so, but I could not treat it as conclusive.

2795. You would admit that the opinion of one or two objectors, who might be interested persons, coming before you, would be sufficient to upset the valuation which had been found by the assessment committee of the union?—No, I do not say that at all; I should require very strong evidence indeed to upset the valuation in the rate-book. Suppose the claimant were to say he had misled the assessment committee, and that the value was not as stated in the rate-book, I must act upon that evidence.

2796. Do you think that now the assessment of a parish is managed by an assessment committee, and not by the parish officers themselves, there would be any hardship in saying that wherever a man was rated at 12 *l.* that should be a substantial qualification, and not open to any objection?—There would be no hardship in saying that, and I think but very few (if any) voters would get on the register in that way who were not entitled to get on the register.

2797. That

Mr. *L. W. Cave.*

17 June 1870.

2797. That would save you, perhaps, some trouble, would it not?—Yes, it would save some trouble; though, in fact, the rate-book is generally considered conclusive evidence.

2798. Mr. *Pell.*] Have you the question which I handed to the clerk of this Committee for you, with regard to points arising upon the 6th Vict. c. 18, s. 32; and the 30th & 31st Vict. c. 102, s. 34?—Yes, the question is as follows: "With whom does the authority and duty rest of naming the several parishes to be revised at each court?"

2799. Have you considered that question?—Yes.

2800. And have you looked at those two Acts of Parliament?—Yes, I have looked at them.

2801. Will you be kind enough to give the Committee an answer on that point?—In my opinion the authority and duty rest with the revising barrister.

2802. And not with the court of quarter sessions?—And not with the court of quarter sessions. The court of quarter sessions is authorised to appoint the polling districts throughout the county, and to name the polling places at which the revision court is to be held. But I apprehend that the duty of stating what parishes are to be revised at each court rests under the Act of the 6th Victoria, chapter 18, with the revising barrister. I may perhaps add, that in the south division of the West Riding, the magistrates have provided 44 polling districts, and 17 revising places; they have apportioned the townships among those revising places, and I have certainly never thought of interfering with what they have done in the matter.

2803. In the instance which you have just quoted, did you fulfil the requirements of the original Act of 1832, and give formal notice to the clerk of the peace of the townships and parishes which were to come up to you at those several courts?—The deputy clerk of the peace sent me the list, which I hold in my hand, of the revising places with the townships which had been attached to them by the court of quarter session, and I appointed my times for holding the courts at those places without making any alteration.

2804. Did any communication pass between you and the clerk of the peace after that paper had reached you; anything that gave a formal sanction to what the court of quarter sessions had done?—I am not aware that there was anything. I simply appointed the days and times for holding my courts for the different places appointed by the court of quarter sessions. I expressed no disagreement with the districts they had chosen to assign to those places. I presume the clerk of the peace would understand from that that I assented to them, and adopted what they had done.

2805. Do you imagine that the court of quarter sessions in that instance were bound by law not only to appoint the polling districts, but also the revising districts?—No, I think not. I think that they went beyond what they were required to do by law. But, of course, as they knew the country, and I did not, I was extremely glad of it.

2806. Do you see any objection to an enactment upon that point, to the effect that it should rest solely with the court of quarter sessions to assign the different parishes which should be comprised in a revising district?—No; I think it is desirable for the court of quarter sessions to appoint the places at which the revision court is to be held; I see no reason why they should not also appoint the parishes to be revised at those places.

2807. If that was done, would not the registration agents know at an earlier time where they would have to appear than they do now?—No; they could not know it at any earlier time, because all that they know from the appointments of the court of quarter sessions, is that they will have to appear at so many places appointed as revising places; they cannot tell the time until the clerk of the peace receives the appointment and publishes it, and I cannot give that until I have received from him a list of the number of objections, because otherwise I cannot apportion the time that would be required for each place.

2808. I have before me two papers; one setting out the polling districts in the county of Leicester, settled at the court of quarter sessions held as usual at Midsummer. The Act of Parliament requires the revising barristers I think only to give 10 days' notice before they hold their courts, and of the places where they are going to sit, is not that so?—It is not a very long notice, and it cannot be a very long notice under the present system; because, as I have already stated, I cannot appoint the time until I obtain the list of objections from the clerk of the peace; I do not get the list of objections from the clerk of the peace until the 4th or 5th of September; the objections are required to be sent in by the overseers to the clerk of the peace I think on the 1st of September, but practically they are always a little late. As soon as the clerk of the peace gets the lists he sends them to me, perhaps on the 5th of September, and the business of revision commences on the 20th of September.

2809. The court of quarter sessions is an open court, is it not?—That I do not know.

2810. All its proceedings are reported immediately, are they not?—I believe so.

2811. Then is it not the case, that very soon after the court has sat at Midsummer the polling districts are known to the public?—Yes, they are; but in practice those polling districts are not changed year after year.

2812. But the revising barristers revising districts are not known until about the 7th of September, I believe?—The time is not known, but the revising districts are never changed; I know of no instance of a change in the revising districts.

2813. Within your own experience, you have never heard of the revising districts being changed?—No, I have never heard of the revising districts being changed; if I were to find an enormous number of objections at any one place, in any one district, I might sub-divide that district, and sit one day at one place, and another day at another place in it, and then I must divide the districts, and appoint what parishes should come to each of those places.

2814. But supposing the revising districts, as in the instance I forwarded to you the other day, were changed, that change would be known at a much earlier time if the court of quarter sessions settled what were to be the revising districts, than if it were left, as it is now, to the revising barrister, would it not?—I do not know what power the court of quarter sessions have of changing the revising districts; it would all depend on when they were obliged to do it; of course the revising barrister does that when he sends out his notice, and

.d, of course, if he were to do it earlier it would : known earlier.

2815. Will you be kind enough to look at these ro lists (*handing the same to the Witness*); one a list of the polling-district places for the south vision of the county of Leceister, is it not?—es; one is a list of the polling-district places.

2816. There are 13 of them, I think?—There e 14.

2817. What is the other list?—The other is a st of the revising districts and revising places.

2818. In the same division?—Yes.

2819. How many are there of those?—There e eight revising places.

2820. What is the date of that last list?—7th eptember 1869.

2821. There has been a re-arrangement of the arishes there; the arrangement of parishes for evising districts is different to that of the polling istricts, is it not?—Necessarily so.

2822. Now supposing power was given to the ourt of quarter sessions to arrange the revising istricts, seeing that the court of quarter sessions t at Midsummer, would not the public know bout two months earlier at what places the re-ising barrister, in that year, would probably old his court?—They would if any change were ıade.

2823. But changes have not been made in your xperience?—No, I think not generally; I have ot heard of any revising barrister changing his istricts.

2824. Now the witness who preceded you said hat he thought it was desirable to extend, as far s possible, the number of polling-places; sup-osing that arrangement was carried out, it vould necessitate the revising barrister then leclaring what places he held his court at; you vould not wish to hold a court at every polling-lace, would you, if there was a polling-place in very parish?—No; that would be inconvenient o the public in this way, that there are many eople who live and have their qualification in township at some little distance from the near-st market town, who are in the habit of going to he market town every day, and, therefore, it vould be more convenient to have the revising istricts at the market town; if the revision is not o be held in every township, it is more convenient o have it in the adjoining market town than in he adjoining parish, provided the market town s within a reasonable distance.

2825. Your view of the law is, that the ar-angement of parishes in a division into revising istricts rests with the revising barrister?—I hink it does, the number of the polling districts vesting with the court of quarter sessions.

2826. A question was asked you with regard o the system of registration in Ireland; may I sk whether you know anything of that system?—No, nothing at all.

2827. You have said that an objection could ot be withdrawn, and that there has been a de-ision of the Court of Common Pleas to that effect?—Yes.

2828. May I ask if an objector is bribed off not o appear before you, what course you would ecommend should be taken in that case?—I hould be bound by that decision of the Court of Common Pleas to allow any other person to ap-pear to take up those objections; that is the law aid down by the Court of Common Pleas; I believe that was a case where an objector quar-relled with his party, and withdrew the whole of his objections; he afterwards made it up with his party, and was desirous of treating the with-drawal as ineffective, and the Court of Common Pleas held that it was ineffective.

2829. Can you give the Committee the name of that case?—It was the case of Proudfoot *v.* Barnes.

2830. A question has been asked you with regard to postponing the date for qualifications to be sent in to August the 31st instead of July the 31st. Does the qualification of the 12-pounder depend simply on his being on the rate-book?—No.

2831. Does it not depend on the occupation of land as well as being rated to the poor?—Certainly.

2832. Now, in your experience, is not the letting of land up to the 31st of August a very unusual proceeding?—So far as my experience goes it is usual to enter at Lady-day and Michaelmas.

2833. And occasionally at Midsummer and St. Thomas's?—Yes, occasionally at Midsummer and St. Thomas's.

2834. Perhaps that might be the reason why the Legislature named the 31st of July as being the latest day at which tenants usually hold their land up to?—Clearly it may have been so.

2835. Are you yourself in favour of any self-acting system of registration; do you think that the proceeding necessary to get a good claimant on to the register or to keep a bad one off, could be simplified in any manner?—That can be done very easily in the case of the occupation franchise; but the difficulty is in the case of the property franchise. To some extent the overseers in parishes know when a man is entitled to be on the register. In all country districts they know it very well, but I am not prepared to say that that would be so in towns. It is so difficult to know whether a man possesses the property qualification or not.

2836. But with regard to all qualifications which depend on occupation and payment of rates, you think that the process of registration might be simplified?—Yes, I think it might be simplified and made self-acting.

2837. How would you propose to simplify it?—It would be very difficult to do more than is done at present in that way, namely, that the overseer should make out a list of persons entitled to be on the register in respect of their occupation; he is, to some extent, bound to know them, because he must have them on the rate-book, and when that list is made out I would leave the persons who are left out to make their claims, and the objectors to object to those who have been wrongly put on. If that is done, and if the list is properly made out, there ought to be no one left out, and no one wrongly put on. If I found a case of either kind I should require an explanation from the overseer, and if I were not satisfied with his explanation I should reduce the allowance for his expenses. I find that a very effective mode of dealing with them.

2838. It requires no change in the law to bring that state of things about, you think?—No; so far as the occupation qualification is concerned.

2839. Is not the overseer required already to enter everybody on the list of voters who exceeds 12 *l.* of rateable value a year?—Yes, he is required to do so; and, so far as the 12 *l.* list goes, it is done. What is done is, that the overseer

Mr. *L. W. Cave.*

17 June 1870.

makes out this list, and the revising barrister has to go over it, and strike out everybody who appears on the other list.

2840. But with the exception of the Chandos clause man the overseer is now required to do all that you have been suggesting to the Committee as an amendment of the law, is he not?—No, he is not bound to do all that I have suggested as an amendment of the law. I say that would make a self-acting register, as far as occupation is concerned.

2841. That system now exists, does it not?—It exists now; but the occupation list is reduced to a skeleton every year, and is mutilated, and the difficulties chiefly arise from the property qualification.

2842. I was confining my questions to the occupation qualification. Now, to go to the property qualification, do you think that any change in the law would enable the overseer to save trouble to the claimants or objectors; that is to say, is there anything in the nature of the office of an overseer which would enable him to know more about the property qualification of a person claiming than anybody else could know?—The overseers do certainly acquire more knowledge, from their having to collect the rates from the occupiers. They are obliged to keep a tolerably accurate register of the occupiers, and that very often leads them to make inquiries with regard to the owners, where another person would not get that information.

2843. But the information they would receive would be only from rumour or report, I suppose?—It is very often, no doubt, what the occupiers have told them.

2844. At all events, the information received in that way, with regard to property qualifications, is not sufficiently trustworthy or precise to enable the overseer to make out the list in the way in which he makes out the 12*l.* list from his own knowledge of the occupiers?—I think it is not.

2845. Do you imagine that the purity of the register is very dependent on the amount of antagonism that exists between the two political parties; does it rest upon that very much?—No doubt it has the effect of producing a certain purity of the register, but it also has the effect of producing a great amount of impurity; that is to say, it causes a great number of fictitious claims to be sent in, and if one side is awake and the other side is asleep, an enormous number of bad votes get on the register.

2846. But supposing an equal amount of ability and wealth on either side, the result would be a tolerably pure register, would it not; that is to say, every effort would be made to get on every qualified person upon the one hand, and every effort would be made on the other hand to keep off those who were not qualified?—Every effort is made to keep off those who are not qualified, But with regard to getting persons on the register. there is not such an effort made, because they are not quite sure how they will vote. I find that the registration societies do not object to first claimants being allowed to prove their votes at their own expense, and that has a great tendency to keep persons off the register.

2847. Would you be inclined to legislate against those conflicts which occur annually between the two parties in the country, especially where matters are nearly balanced in the registration courts; would you put any obstruction in the way of that kind of conflict?—No, I thi not. If the register is carefully prepared by t overseer, and if the revising barrister does duty in protecting persons who are brought the groundlessly or frivolously, that organisati would gradually cease to exist, or at least wou have very little left to do.

2848. Mr. *Cross.*] With regard to the questi of duplicate votes, a man may claim any numb of times for any number of qualifications, may not?—Yes.

2849. That, I suppose, gives you considerab trouble?—Yes, considerable trouble.

2850. Do you see any objection to requiring man who claims for more than one qualificati to mark each claim, as 1st claim, 2nd claim, 3 claim, 4th claim, and so on?—I see no objecti to that.

2851. Just as is done in bills of exchange?—Yes, if a man wants his name printed four or fi times over unnecessarily, he ought to be ready take that trouble.

2852. That is to say, when he claims in o place he should be required to state that he h claimed in other places?—Yes, it is very desirabl I think that that should be carried out.

2853. The great difficulty now is to ear-ma the William Jones in one division, with t William Jones who has claimed in another div sion, is it not?—Yes, there is a great difficulty in some cases where the same name occurs fr quently, it is a matter of very great difficult and one is afraid of striking out an entry whi is not a duplicate.

2854. You think that that object might gained if a person claiming in one division, a also claimining in another division, should bound to state in each claim that he has claime in another division?—But suppose he were n to send in his claim in that shape?

2855. You might put him under a penalt might you not?—Yes.

2856. In that case there would be very litt trouble for the revising barrister, would the not?—Very little.

2857. Is it your opinion that it would be wi to let a man claim in any number of places?—think not; I have a very strong opinion upo that point; I should confine a man's claim to th place where he resides.

2858. Not on account of his occupation, but account of his freehold, I suppose you mean?—Only for the place in which he resides, whatev the qualification might be.

2859. That is presuming that he resides the county?—If he resided out of the county, should let him have his vote at the place whe he resided.

2860. But I am assuming that he has separa votes within the county; if I understand yo rightly, you would confine him to claim in respe of that property nearest to which he resides?—Yes, certainly; he is known there, and it ca be be better ascertained that he is entitled to vote, and personation would be better detected.

2861. With regard to a person voting wh he has sold his qualification; would you impo a penalty on him; a man having his name on th register who sells his qualification and then vote does an illegal act, does he not?—Yes.

2862. Would you attach a penalty to that?—I have not considered that question; it is not on upon which my duties give me any special info mation.

2863. Woul

2863. Would it be wise to enact that a person having sold his qualification should give notice of having parted with it to the clerk of the peace or the overseer, or some other officer appointed for that purpose?—It would be very difficult to enforce that, I think.

2864. Why do you think it would be difficult to enforce it?—A man would perhaps say that he forgot it, and then there would be an unwillingness to convict.

2865. At the same time, if that could be done, it would tend to keep the register pure, would it not?—Yes; but I do not see why, when a man is once on the register, he should not be entitled to vote while the register is in force, though he may have lost his qualification.

2866. Why?—He has had the qualification for a year before he came on the register; he has been in possession of the qualification for six months, and in some cases for twelve months, without being on the register, and why should he not be on the register for six months after having parted with the qualification?

2867. Mr. *Wynn*.] I understood you to say that your attention had been directed to the anomaly that exists in the Registration Act with regard to the withdrawal of objections, and that no provision is made by the 6th & 7th Victoria, chapter 18 for such withdrawal?—None.

2868. Have you ever found yourself in a difficulty with regard to that when an objection has been withdrawn by an objector; but the party has still been brought to the revision courts, and has asked for costs?—Yes, I have found myself in a difficulty with regard to that; before that decision in the Court of Common Pleas, I always held that he was bound to take the notice of withdrawal, and that if he chose to come there afterwards he did so at his own expense.

2869. But now that decision of the Court of Common Pleas has shown that there is no such thing as a legal withdrawal of a notice of objection; that puts you in great difficulty, does it not?—Yes; it puts us in a great difficulty. A man says, "I am forced to come; I must come and answer the objection, and I demand my expenses." On the other hand, the objector says; "I have done all I could; I gave you notice of objection because I did not know what the qualification was; I have since ascertained it is a good one, and I have withdrawn that notice of objection." I have generally got out of that difficulty in this way; I have said, "Well, I can only make an order upon the objector to pay your expenses; who is the objector?" Generally speaking, I have found that the voter had not got the notice of objection with him, and no one would admit that he was the objector; but that is a very unsatisfactory way of dealing with the matter, in my opinion.

2870. Can you suggest to the Committee any clause that would meet that difficulty?—I think it might be met by simply a clause that it should be in the power of an objector to withdraw his notice of objection by a notice to be sent through the post, just in the same way as the notice of objection is sent.

2871. Giving sufficient time, of course?—Yes, giving sufficient time.

2872. But if that agreement were withdrawn by agreement between the parties the night before, or in the room, that should not be treated as a withdrawal, I suppose?—No, not if a man is brought there.

2873. I understand you to say that there are parts of the North Riding where the political organisation, so far as regards the register associations, is not so complete as in others?—I meant to say that it was not complete when I first went round. When I first went round the Liberal party had a fairly complete organisation, but the Conservatives had hardly any at all. They had very little intercommunication between the different districts. The result was, that in the following year, when the same solicitor attended all my courts on behalf of the Conservative party, he did find it necessary to object to a great many persons who had got on the register, and remained on the register when they had no qualification, or after they had lost it.

Mr. *L. W. Cave.*

17 June 1870.

2874. Are the lists in the rural districts of the North Riding tolerably accurately made out; that is to say, upon proper forms, and so on?—No, they are not. I have had no experience of the North Riding since the Reform Act, and since the 12 *l.* list came into operation. I cannot say what they do now; but under the old system, instead of republishing the old list, they were continually making a new list of their own; they took the old list and inserted claims and struck out, on their own authority, persons who had left or had ceased to have a qualification.

2875. Has it ever occurred to you to meet with overseers so puzzle-headed that the lists were made out on the wrong paper; the new claims, for instance, on the paper for objections?—Sometimes.

2876. Have you, in consequence of that, dealt more extensively with the 3rd column than you are warranted in doing by the Registration Act?—I have always leaned to altering the column when I could find any decent pretext for doing so.

2877. Do you think that larger powers might safely be given to the revising barristers in that respect, without the risk of new qualifications being introduced?—I think so. So far as my experience goes, the revising barristers are generally cautious on the side of amending the lists. I would give an instance in the case of a farm in succession. A man claims as the occupier of farms in succession, and describes them in the 4th column as "No. 1, Blackacre Farm: No. 2, Whiteacre Farm." The following year that man is in occupation of White Acre Farm alone, but forgets to send in a fresh claim for his vote simply as occupier of White Acre: he leaves it as it was before. Many revising barristers hold that to alter that would be to alter the qualification, and they strike the vote out; but I treat the words "in succession," and "Black Acre" as surplusage, and strike them out.

2878. Have you ever had such a qualification in the 3rd column as "Farmer"?—Yes.

2879. You have had a qualification so manifestly incorrect as that?—Frequently.

2880. Have you felt yourself at liberty to deal with that?—Yes, I have always admitted that; I always understand that to mean "land as occupier."

2881. Do you remember an observation which was made in the Court of Common Pleas, upon a case of appeal from a revising barrister's decision, in which Chief Justice Erle (who begged that notice might be taken of the observation) said that the revising barrister should remember that the Registration Act was ancillary to an enfranchising and not to a disfranchising Act?—No; but I have always acted upon that principle.

Mr. *L. W. Cave.*

17 June 1870.

I have always done what I could to put or keep a man on the register when I was satisfied that he had a good vote.

2882. Should you say that that was the general spirit in which the revising barristers now exercise their powers?—I think it is generally; but there is a little caution about amendments; very frequently in the 3rd column I find the word "land"; now I always hold that to be an insufficient description, and amend it by inserting the word "freehold."

2883. That is for the purpose of more clearly defining it?—Yes; some barristers say, "I cannot deal with the word 'land,' because that may mean an occupier, or a freeholder, or a copyholder," and they strike it out.

2884. Mr. *Pell.*] In that case the vote would be lost, would it not?—The vote would be lost.

2885. Mr. *Wynn.*] Without entering into the question with regard to the desirability or otherwise of removing the appointment of the revising barristers from the senior judge of assize to the Court of Common Pleas, or the Chief Justice, would you see any objection to the appointment of the revising barristers taking place in the Spring Circuit instead of the Summer Circuit?—None whatever; I think it would be a very good plan.

2886. In order that there should be communication, if necessary, with the different registration agents previously to the actual registration?—Yes.

2887. Do you think that the courts in which the revising barristers are to hold their sittings should be provided by the county?—That would be very convenient when it could be done; it is almost universally done in the south division of the West Riding; the court is generally held in the petty sessions room.

2888. Do you think that providing the court room would entail any appreciable expense on the county?—Oh, dear no, certainly not; I may add that the expense that falls upon me in having to find my own courts is perhaps 20 *s.* or 30 *s.* a year in the south division of the West Riding. In the North Riding it was 5 *l.* or 6 *l.*

2889. *Chairman.*] Have you anything further to state to the Committee?—No.

Tuesday, 21st June 1870.

MEMBERS PRESENT:

Mr. Henry R. Brand.
Sir E. Colebrooke.
Mr. Cross.
Mr. Dodds.
Mr. A. Egerton.
Lord C. J. Hamilton.
Mr. A. Johnston.
Sir H. Johnstone.
Mr. Knatchbull-Hugessen.
Mr. Pell.
Mr. Clare Read.
Mr. Richards.
Mr. Wynn.

E. H. KNATCHBULL-HUGESSEN, Esq., IN THE CHAIR.

Mr. JOHN HURRELL, re-called; and further Examined.

Mr. *J. Hurrell*
21 June 1870.

2890. *Chairman.*] THERE are some Papers which you wish to put in, I believe?—I was asked the number of appeals to the Court of Common Pleas from the revising barristers' decisions, and I have a Return made out for the past 10 years.

2891. This is not from your own court only, is it?—No, it is the whole of the appeals for England and Wales for that period. The Committee will find by that Return there are 55 decisions affirmed, and 37 reversed. That is taken from the Reports of Keen and Grant and their successors. (*The same was handed in*, vide *Appendix*.) I had also a question put to me by one of the honourable Members as to whether the revising barrister is compelled to hold a court at every polling-place, and, if so, by what Act and section;" and my answer now is, yes; by the 6 Vict. c. 18, s. 32, and by the 30 & 31 Vict. c. 102, s. 34. The same honourable Member also wanted to know about the holding of our various courts, and if there was any doubt about it. Now, I conceive that there cannot be possibly any doubt upon the subject. The second question is, "With whom does the selection of the several places to be revised, at a court, rest, and by what Act and section is this selection authorised?" I stated before how it was done, and the honourable Chairman was kind enough to corroborate that view.

2892. Mr. *Brand.*] Who is the authority, then, with whom that rests?—First, the authority is given by the 6 & 7 Will. 4, c. 102; and 30 & 31 Vict. c. 102, s. 34, and is conferred on the justices in quarter, general or adjourned sessions; they petition the Crown, and the Privy Council sends the missive to the clerk of the peace.

2893. I will read to you a passage from the evidence of Mr. Cave, who was examined before the Committee, at its last sitting. He states, at Question 2082, "The court of quarter sessions is authorised to appoint the polling districts throughout the country, and to have the polling-places at which the revision court is to be held. But I apprehend that the duty of stating what parishes are to be revised at each court rests, under the 1st Act of the 6th Victoria, c. 18, with the revising barrister;" is that so, in your opinion?—No, that is not so in my opinion.

2894. *Chairman.*] Will you be kind enough to turn to the 30 & 31 Vict. c. 102, s. 34, which bears upon the subject?—I will read it. "And the justices shall advertise, in such manner as they think fit, a description of the polling districts so constituted by them, and the name of the polling-place assigned to each district, and shall name the polling-places at which the revising barristers are to hold their courts; and no revising barrister shall be obliged to hold his courts at any polling-places not so named." The magistrates appoint the polling-places, and the clerk of the peace publishes those lists, which state every parish and every district. This is the East Surrey registration notice (*producing the same*). For instance, one polling district named is Camberwell, and those are the parishes comprised within that polling district; and so it is in every case.

2895. You seem to agree with Mr. Cave with regard to the naming of the polling-places, but the revising barrister having been ordered to hold a court at certain places, the contention is, that there is nothing which enables the justices to say that the revising barrister shall take certain parishes at certain places, but it comes to this, in practice, that in nine cases out of ten, there is no difficulty at all, does it not?—In the clerk of the peace's notice for the registration there is this paragraph, "And notice is hereby further given, that if there is any parish or place for which a list of voters is required to be made, the name of which is not above set forth, the revision of the lists of voters thereof will take place at the polling place to which such parish or place is allotted."

2896. No doubt that is what is done, but the question is whether the barrister, if he likes, can take parishes out of the district that are off the polling-places?—If the whole of those districts and all the parishes therein, as here, are incorporated, there is no doubt about it.

2897. Is there anything further which you wish to state to the Committee?—I was asked if I thought the powers of the revising barristers should

Mr. *J. Hurrell.*

21 June 1870.

should be extended. I think our powers should be enlarged with regard to costs; I consider that we should have the power of enforcing costs at once without going through the present circuitous mode.

2898. When you say that you should have the power of enforcing costs at once, will you be kind enough to explain to the Committee what you mean?—Suppose I think fit to inflict costs, then I think that by issuing a summons at once, I should have the power myself to enforce payment, that is to say, my own mandate or order should be enough to secure the payment of costs. Then, with regard to granting an appeal, I think we ought to have full power to grant an appeal at any court on the circuit, and to settle or amend the same at that or any other court or place before the 2nd of November, in the presence and with the consent of the objector and objected, or respective parties on their behalf representing them, and under their authority. We now, according to the view which some take, must do it at the very court when granted, and sometimes the cases are of so very heavy a character (indeed generally they are so), that we have not time to do it in. Another point is this, I think we should deliver perfected lists to the clerk of the peace at our earliest convenience, and have the power to correct any error or omission therein with the consent of the claimants or objectors before the printing of the same. This early delivery was given by the 30 & 31 Vict. c. 58, s. 6; it greatly facilitated the printing and getting the work over, and I think it would be very desirable to re-enact that clause. I have found this course to work well both in West Kent and East and Mid-Surrey. With regard to the rooms in which the courts are to be held, at most of the places I have the vestry hall, or town hall; the only public-house is at Godstone, we do not always have an opportunity of obtaining a fitting place. I applied there to have the room which the justices have for petty sessions, and the magistrates consented to that, but the clerk asked for a guinea for the trouble, and also for cleaning the room, therefore I stayed at the public-house and held my court at "mine inn."

2899. You did not give that gentleman a guinea for his trouble?—No.

2900. Is there any other point which you wish to refer to?—I think the objections by the overseers require some alteration; they should state what really are the grounds of their objection. They stick in the margin "dead," or "objected," and that is all. It often happens that the man is not dead, or, for instance, he is a freeholder, and is objected to merely for the change of residence, while he still retains his freehold qualification.

2901. Do you think that the overseers err on the side of making too many objections?—I do not think they intentionally err at all.

2902. I do not mean intentionally; but do they as a matter of fact err on the side of making too many objections, or in omitting to make objections?—I have had to complain of their making too many objections. Some of my brethren fancy that we cannot touch an objection that is made by an overseer.

2903. How does that idea arise; is there any pretence for supposing the law to be so?—I have heard of such practice.

2904. Do you mean whether the claim is defended or not?—Yes, whether the name is defended or not. I ask the man to show cause, if by chance he appears, and if it is a bad objection I allow the man to keep on. I certainly think that point should be strictly defined, that is to say, that the overseers should define their objections, and if the parties are living to legally serve them with the same.

2905. Can you point out to the Committee any clause in any registration Act that is so misinterpreted as we may think?—No.

2906. You think that it is only the practice of some revising barristers, whom you quite believe to be mistaken?—Just so, but I think the overseers should state the cause of objection, so that the parties may be prepared to defend it.

2907. Mr. *Wynn.*] Do I understand you to say that in the absence of any evidence on the part of the overseers, or on the part of the party objected to, you still think it is not your duty to strike off a man objected to by the overseer, supposing he does not appear and no notice is taken?—If there is no one there to support the objection, but the overseer should be always there, and as a rule is.

2908. But if the overseer objects and the claimant takes no notice, what then?—That is what I complain of; the party himself has no notice beyond that posted on the doors of the various churches and chapels, and that I do not like, as not being sufficiently brought to his notice.

2909. *Chairman.*] Then if the man is not a resident he does not see the notice?—Just so.

2910. You think that the overseer should give notice?—Yes, I do; I think it is a very hard case on a person that he does not receive proper notice. There is one other point which I think I have already called attention to, that is to say, the immense amount of surplusage in printing that we have. The cost is really enormous.

2911. Mr. *Dodds.*] You mean the cost of printing the register, do you not?—Yes; and the unnecessary lists.

2912. Do you happen to know what the cost is in any case?—No, but I will show you a copy of a register (*producing a closely printed quarto volume of about* 800 *pages*).

2913. *Chairman.*] Is there anything else that you wish to add to the evidence that you have already given?—I do not know whether the Committee would think it well to go into the number of revising barristers on each circuit. We have now on the Home Circuit 12 districts and 10 revising barristers. We can have only 10 really appointed under the original Act of Victoria, except additional ones.

2914. Do you mean to say that the number of revising barristers is insufficient for the work which they have to perform?—No, for we have additional ones, or supernumeraries now. At the last revision I took East Surrey, and half of Mid-Surrey; my colleague took West Surrey and half Mid-Surrey. We had a supernumerary appointed; but, after conferring with our agents, I wrote to the Chief Baron stating that we could do the work ourselves, and should not employ that gentleman unless it was found necessary, and we did not employ him. But I think if you were to give power to appoint two more revising barristers on the Home Circuit, as there are 12 districts, it would be advisable.

Sir EDWARD COLEBROOKE, Bart. (a Member of the Committee), Examined.

2915. *Chairman.*] FROM your experience of the working of the Scotch system of the registration of county voters, and from your knowledge of the English system, can you point out to the Committee any features in the Scotch system that you think could be advantageously adapted to the English system?—I have great doubts whether the Scotch system could be made to bear on the English system unless the law of England were assimilated to that of Scotland, with regard to the assessment being levied upon the proprietors as well as the occupants. The Committee are aware that by the Scotch law all county rates, and, to a certain extent, poor rates, are borne by the proprietors as well as the tenants in proportions, which vary according to certain peculiarities of the law. And accordingly the assessor for the county is, by the Act of 1854, required to prepare his valuation list, and give full particulars of all persons liable to assessment, whether as tenant or owner, as the owner is defined by the Act in question, which, I should state, includes, among others, persons under long leases. Now, the value of a property which entitles a person to vote in Parliamentary elections does not exactly correspond with that which is inserted in the valuation roll, and therefore it became necessary in the Registration Act, which I introduced in the year 1861, to insert some additional particulars, so as to make it correspond as nearly as possible. But there was a further difficulty, which I explained in my former evidence in the year 1864, which made it impossible to make the two lists closely tally, and it became necessary for some claimants to give in their claims for such qualifications independently of the assessors. But practically the valuation lists cover nearly all those who are entitled to vote; and those who may hold under a separate qualification are generally on the valuation list already, and therefore the number of new claims has been very small.

2916. But the necessity of claiming still exists except for persons who are on the valuation roll?—Yes, except for persons who are on the valuation roll. It was thought expedient that it should still exist in order to cover cases in which errors might arise from any act of the assessor; but in addition to that the right of objection still exists. That is still more important, because the business of the assessor is to ascertain the parties who are in possession and who are liable to rates; but it will readily be understood by the Committee that there may be persons in possession who may not have a real right to the property. Cases arise, and previously to the last general election a number of cases arose, in which the rights of the claimants were disputed, and it gave rise to almost as much controversy as it did before the Act was passed. The only part of the evidence which I gave before the Committee of 1864, which I should be disposed to qualify was that which was quoted by Mr. Baxter with regard to the smooth working of the Act of 1861 and its really superseding the necessity of any litigation before the sheriff, who is the revising officer. Because previously to the last general election, when keen contests were going on all over the county, both parties assailed the assessor's list with great vigour and put in objections on each side, and in one division of my own county, and I have heard in other counties, there were considerable disputes, several cases going on appeal to the Court of Session and leading to important decisions. I might conclude by saying that it is my belief, and I believe it is the opinion of others, that what took place before the last election was quite exceptional. It is not likely that it would occur in every year or before every general election, because the public had warning in that case of what was coming, and the candidates were prepared, and in addition to that they had to put in force a new law with a new qualification which gave rise to great keenness in making objections.

Sir *E. Colebrooke*, M. P.
21 June 1870.

2917. Have you as many varied franchises in the Scotch counties as we have in England?—I could not answer that accurately; I think probably they are less.

2918. Still you have a considerable variety of franchises in Scotland, have you not?—Yes, a considerable variety. The occupation franchise is practically the same, but the freehold franchise is a very limited one in Scotland, and there are very few on the list except those which existed before the Reform Act of 1832. The principal qualification is that of owners, including under that term those who hold long leases, say, of not less than 57 years.

2919. Looking at the evidence before the Committee with regard to the varied franchises in the English counties, is it your opinion that, though some improvement might be effected in the English system by the adoption of the Scotch valuation system, still it would be necessary to keep up the system of claims for the large number of persons who still would not come on the rate-book?—It would depend entirely on the number of persons brought upon the rate-book, or the extent to which it would be possible, under the English system of rating, to include every person who had an actual right. But I think that probably there would still be many persons omitted for the same reason that exists in Scotland; that the assessor, unless he took particular pains, would find it difficult to enter into questions of title. And there is a further difference with regard to the Scotch qualification from that of the English qualification, that in Scotland it is not necessary to deduct the interest of any debt from the annual value of the property.

2920. The mortgage question never comes into play in Scotland, does it?—Never in Scotland. The only question is with regard to any ground rents that may be due to a superior; as that Act of Registration, that of 24 & 25 Vict. made it necessary for the assessor to ascertain those particulars, he calls upon the parties to give them in, and I am given to understand that they are generally given in with great accuracy.

2921. Did you hear Mr. Freeman's evidence before this Committee?—I think not.

2922. He gave evidence with regard to a number of persons who represented mill power, and besides that there is the question of rent-charges, but all those persons who would not have their names in the rate-book would not be affected by the introduction of the Scotch system, would they?—No. In Scotland a person can vote as holding a life-rent qualification, but as he pays no taxes the assessor does not take pains

Sir *E. Colebrooke*, M. P.

21 June 1870.

to ascertain who may hold any rent-charges from the owner who is in possession.

2923. Then he comes on by claiming?—He comes on by claiming.

2924. Mr. *Brand.*] I wish to ask you whether the assessor in Scotland is a legal gentleman, or not?—I think not. The assessor in my county is the Inland Revenue officer. By the Valuation Act of 1854, counties were empowered to employ him if they thought proper, and as he is a person with great local knowledge, he is found to be a valuable officer for that purpose. The Government assessor of the county has been appointed both in Lanarkshire and probably in half the counties in Scotland.

2925. Is he in the habit of adjudicating on claims before they come before the sheriff?—No; his action is purely ministerial; he takes the valuation list and extracts from it all the names who appear, from the valuation list, to have the requisite qualification, and he deducts from that list those who, under the Reform Act of 31 & 32 Vict., have failed to pay their rates, or have been struck off on the ground of exemption from the payment of rates.

2926. Mr. *Richards.*] Are you conversant with the duties of the collectors under the Inland Revenue in England?—I know the facts no further than with regard to the ascertainment of the value of properties in Scotland.

2927. But would the duties generally performed by the inland revenue collectors in England, do you think, bear any relation to the duties of the public officers in Scotland who now exercise the duties of assessors?—It is carried on, I believe, very much in the same way; the officers of Inland Revenue call on parties to give in returns of the values and amounts of their property, and if a person sends in a return below what is considered the value, the Inland Revenue officer adds so much to the amount to bring it up to the value at which it should be rated, and the objection comes under appeal before the local authorities. I should state that he has the power of doing that, and by enforcing penalties we ensure the accuracy of the return, which I think no officer like an overseer could do in England, unless he was armed with the same authority.

2928. You are familiar with the Registration Law of England, are you not?—Yes.

2929. Do you think that similar duties to those that are now performed in Scotland by the assessor could with propriety be placed on the Inland Revenue collectors in England?—Certainly, if there were a special Act of Parliament passed for that purpose; but I am not prepared to say whether the assessors would be the officers to whom those duties could be entrusted with most expediency. I put a question to one of the witnesses with a view to that, and some reasons were given by him why it would be inconvenient; but I do not see myself why he should not exercise the same duties if similar powers were given to him to do so.

2930. The whole burden of the evidence that we have received points to this conclusion, does it not, in your opinion, that at present, except for the political organisations in the counties of England, the registers would be in a very imperfect state?—Certainly.

2931. Do you think it would be possible to assimilate the English system to the Scotch system to a degree that would to some extent put an end to that state of things?—I think not unless the law is very materially altered by introducing some public officer for the discharg of duties similar to those which are exercised by the assessors in Scotland. It may be a questio whether it would be worth while to be at th great expense of such a machinery on the part o the public, unless it were to be used for othe purposes.

2932. The cost of registration in Scotland very much less, having regard to the payment revising barristers and the costs incident t counties, under the present system than i England, is it not?—I am not prepared to giv an opinion upon that subject; the counties no are charged with the expense of the registratio of voters, and I think the expense has bee considerably increased by a clause which wa introduced into my Bill rather against my remon strances, insisting on the list being printe otherwise it would be a very slight charge.

2933. Sir *H. Johnstone.*] By printing the list do you mean the whole of the lists, the old li as well as the new list?—I should like to tu to the Act of Parliament before giving an answ on that point; I think we are bound to print every year. It is the 24 & 25 Vict. c. 83. Ye I find that the list must be printed every year.

2934. You do not think that that is necessary —No, I think it is quite unnecessary; it migh be desirable to have it done, say, every four five years, so as to keep the list clear. It is, course, very convenient to have the list read made up when a contest comes on, but it throw on the county a charge which might just as we be borne by the parties themselves when the entered on the contest.

2935. In answer to Question 2279 of you examination in the year 1864, you state, with re gard to the assessor, "If he thinks a person di qualified, he puts him on the list of persons di qualified;" do you still stand by that answer —He makes up a list of all the changes; that to say, of all persons who are dead or perso who are disqualified.

2936. That is to say he has power in himse of objecting to those whom he thinks disqualified —He makes out "a list, arranged alphabeticall in parishes, of all persons entered in the registe of voters for the county who have died or b come disqualified." The valuation list of th year does not come into force until later in th year, and therefore the assessor has the valuatio list of the previous year, on which he draws fo his information with regard to those who a qualified, and he has all the local knowledge th he has been gaining during the following yea so as to ascertain what changes have taken plac

2937. Is it your experience that the register looked after by the political organisations mor than it used to be or less?—Within the last yea or two the interest has been revived, but th agents scarcely looked after the list at all aft this Act of Parliament was passed until the oth day. I used to consider it my duty to desire m agent to look out and be the medium of recei ing claims of persons who desired to be on th register, and once or twice I have gone so far to defend cases which I thought had been u reasonably objected to.

2938. But was that in consequence of any su picion of partisanship on the part of the assesso —Not the least. I have a memorandum which obtained from the assessor of Lanarkshire sinc I w

Sir *E. Colebrooke*, M. P.

21 June 1870.

was asked to give evidence, in which he points out generally the satisfactory working of the Act of Parliament; and he points out the grounds on which objections are generally taken to voters, whether on the ground of ownership or of occupation. With regard to owners it arises, as I have already stated, chiefly with regard to the title, and I took the pains to look over the report of the number of cases that came before the judges of the Court of Session in the year of the general election, as showing the grounds on which the objections were taken. Some of them are technical objections, such as a flaw in the deed; in other cases it is a question of the person in possession, perhaps that a man holding for his mother, while he pays all rates and taxes; so the assessor did not inquire further, and the title was found to be invalid. Then there were cases of building societies, the members of which were in possession; but under the conditions of the society they were not required to make payments until after a certain time, and therefore their title was incomplete, and so on. In other cases, votes were challenged owing to some flaw or technicality; then I would state, in addition, on the information of this assessor, that there is another class of occupants to whom objections are constantly taken on the ground of what is called defeasibility of occupancy, that is to say, bank agents, agents, factors, clergymen, and others who occupy houses in virtue of some office; if they hold, or are supposed to hold, on an uncertain title, their votes have been questioned and litigated with conflicting results, as I am informed.

2939. Have you read to the Committee the whole of the statement handed to you by the assessor?—Not the whole of it; but I have given the substance of it. He makes two suggestions. He thinks that the time has arrived when the valuation roll might be made conclusive with regard to ownership of property, as it is at present with regard to questions of value; and he adds, "Fictitious claims and groundless objections are now made, but no person would lightly enter in the return under the Valuation Act that he was the owner of any subject falsely, as that would subject him to a 50*l.* penalty." I have no doubt myself that, generally speaking, the valuation roll might be made conclusive evidence of right, as well as of value, without raising any difficulty. But I think that on the whole the law is best as it now stands, and that the appointment would be open to objections, on the ground of political partisanship, if you gave so large a power to the assessor. That subject was necessarily under the consideration of myself and my friends, with whom I advised when we introduced the Bill, and we thought, on the whole, that it was better to submit to the inconveniences of an incomplete valuation roll for the purpose of assessment, than to raise questions tending to that difficulty.

2940. The sheriff in Scotland acts instead of the revising barrister in England, does he not?—Yes; the sheriff in Scotland is appointed by the Reform Act to revise all the lists.

2941. Has he any special payment made to him on account of business connected with registration?—I cannot say; my impression is that there was a payment made to him under the Reform Act, but that at present the salaries which are paid to them, and which have been generally raised since that time, are the fixed sums that include all the public duties that the officer may discharge.

2942. There is no additional payment in his case to come out of the county rate?—None whatever.

2943. Are you still under the impression, as you were six years ago, that the improvement of the system under your Act is, that there is additional information given, which is *primâ facie* evidence both of value and qualification?—Yes, with regard to both; and I think it works very well in the country, and has given general satisfaction.

APPENDIX.

PAPER handed in by Mr. *Hurrell*, 21 June 1870.

Appendix.

APPEALS to and DECISIONS of the COURT of COMMON PLEAS on REVISING BARRISTERS' JUDGMENTS from 1860 to the present Time.

(Extracted from Hopwood, &c., Registration Cases,—Common Pleas.)

	Number of Cases Appealed against.	Affirmed.	Reversed.
In 1860 - - - - - -	3	2	1
1861 - - - - - -	12	8	4
1862 - - - - - -	4	2	2
1863 - - - - - -	9	7	2
1864 - - - - - -	15	10	5
1865 - - - - - -	11	3	8
1866 - - - - - -	7	4	3
1867 - - - - - -	1	1	—
1868 - - - - - -	23	15	8
1869 - - - - - -	7	3	4
TOTAL - - -	92	55	37

I N D E X

TO THE

R E P O R T

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF VOTERS IN COUNTIES (ENGLAND AND WALES).

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1870.

I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report.]

A

APPEAL (*REVISING BARRISTER*). Suggestion that there be a right of appeal from the decision of the revising barrister, subject to a small deposit as a security against frivolous appeals, *Roberts* 563, 564. 599, 600. 650. 755. 823-825; *Udall* 2253-2257; *Trevor* 2505-2507 ——Approval of a right of appeal from the decision of the revising barrister, *Bontems* 1059, 1060; *Hurrell* 1431-1435; *Cave* 2707, 2708——Occurrence of only two appeals from witness's decisions, *Hurrell* 1327——Occurrence of only one appeal from witness's decisions, *Blaine* 1519, 1520.

Approval of discretion in the revising barrister as to giving an appeal, *Freeman* 1646-1649; *Parrott* 2223, 2224——Readiness of revising barrister to grant appeals, *Edge* 2012, 2013——Twofold appeal suggested in certain cases, *Udall* 2258, 2259. 2418.

Return showing the number of cases appealed against, and the number affirmed and reversed, respectively, in each of the years 1860-69, *App.* 138.

Conclusion of the Committee that the appeal from decisions upon points of law in a revising barrister's court should be given as a right, *Rep.* v——Expediency, however, of some security being obtained against frivolous appeals by making it necessary that the appellant should deposit a small sum on giving notice of appeal, *ib.*

Assessment Committees. Examination as to witness's grounds of objection to the assessment committees, and the clerks to the guardians as the persons to make the valuation roll, *Baxter* 156-179——Belief as to the satisfactory working of assessment committees, *Bontems* 1129-1131. 1140-1142——Inadequacy of the machinery of the Union Assessment Committees for a self-acting registration of owners, *Freeman* 1870-1880.

Assimilation of Practice (*County and Borough Registration*). Improvement if the days for the various stages of the revision were identical in counties and boroughs, *Roberts* 662, 663. *See* also *Borough Registration.*

Assistant Overseers. Suggestions for the appointment of a permanent assistant overseer, to be appointed by the union and paid out of the common fund, who should make out the valuation roll, the rate-book being, at the same, time, amplified as regards the description of the qualification of owners, *Baxter* 32-51——Further evidence in explanation and support of the proposal for the appointment of an assistant overseer, as a permanent officer, to see to the valuation, the rate-book, and the registration, *ib.* 96-107. 324-333. 352-360. 366-375——Political abuse need not be apprehended, *ib.* 106, 107. 395-397——Witness repeats that a self-acting registration by means of permanent officers is the best system, *ib.* 150, 151.

Necessity of assistant overseers if the owners are to be officially registered without claiming, *Roberts* 575, 576. 583, 584——Objection to the action of assistant overseers on account of the expense involved; practice as to registration payments to overseers adverted to hereon, *ib.* 617, 618. 622-627. 711, 712. 814-817.

Evidence in approval of the overseers or assistant overseers, rather than of the clerks to the guardians, as the persons to make out the lists of voters, it being desirable to compel the appointment of assistant overseers in all cases, *Pilcher* 882-885. 911-919. 923-931. 943-946. 959-961. 975-985. 994——Expected objection by ratepayers to the appointment of assistant overseers in all cases, *Bontems* 1276——Fitness of the assistant overseers in large parishes for making out the lists, the overseers in small rural parishes being sometimes inefficient, *Hurrell* 1331, 1332. 1334-1338.

Approval of the general appointment of assistant overseers, who, instead of the overseers, should make up the lists for revision, *Freeman* 1559-1564. 1588-1593; *Udall* 2296-2308. 2314, 2345; *Trevor* 2473-2478——Importance of the compulsory appointment of permanent assistant overseers for making out the voting lists and jury lists,

Assistant Overseers—continued.

Edge 1967–1971. 2050, 2051. 2108——Advantage if there were permanent assistant overseers for making out the lists, as far more competent than the overseers, *Cave* 2657–2662. 2767–2777.

Importance attached by the Committee to the appointment of paid assistant overseers, *Rep.* iv——Advantage in these officials preparing the lists for and attending the revising barristers' courts as public registration officers, *ib.*

See also *Clerks to the Guardians. Preliminary Inquiry.*

B.

Ballot, The. Impression that under the ballot registration societies would be more active, *Roberts* 763——Necessity of a self-acting registration system under the ballot, *Bontems* 1044——Importance, if the ballot be adopted, of voters being required to poll in the place of their residence; difficulty otherwise in preventing personation, *ib.* 1064–1069. 1111. 1143–1148——Impression that under the ballot personation is not likely to increase, *ib.* 1146–1148. 1290——Anticipated action of political agents equally under the ballot as at present, *Udall* 2360–2365.

Baxter, Robert Dudley. (Analysis of his Evidence.)—Has been secretary for several years to the Conservative Registration Association of the West Riding of Yorkshire, and has also had experience in connection with the Middlesex Conservative Association, which he re-organised, 1–3——Has been in communication with Conservative county agents all over the country, and has been furnished with their views as to the changes required in the matter of registration, 4–6.

Grave defects of the present system of county registration, the law on the subject being in a confused and unsatisfactory state, 7–9——Great improvement required as regards the registration of 12 *l.* occupiers by the overseers, the latter being in numerous instances unfit for the duty, 7, 8——Hardship in the case of property owners, who have to make a voluntary claim and to attend in proof of such claim, if objected to, 7–9. 11, 12.

Inexpediency of discouraging objections, by extending the system of costs, as the result would be a great accession of fictitious votes to the register, 8–10. 13, 14——Absolute necessity of political organisations for the protection of the register under the present law, 9, 10. 23. 139——Numerous instances of unqualified persons getting on the register, the overseers not inquiring into the property qualification; illustration in witness's case, 10. 17–22.

Suggestion that it be shown by means of a reliable rate-book that owners of property have a *primâ facie* claim, 15–17——Unfitness of the present class of overseers for conducting a self-acting registration, further adverted to, 16. 25, 26. 281. 291, 292——Objections to the proposal that the voter should make a declaration of his qualification, 24. 215–223——Admirable system of registration in Scotland, by means of the valuation for assessment purposes, 27–29. 152–155. 170.

Uselessness of the owner's column in the rate-book for registration purposes, 30——Effect of a division of rates between owners and occupiers in leading to a complete rate-book for registration purposes, 31——Suggestions for the appointment of a permanent assistant overseer to be appointed by the union, and paid out of the common fund, who should make out the valuation roll, the rate-book being at the same time amplified as regards the description of the qualification of owners, 32–51——Advantage of the appointment of an assistant overseer, as tending to obviate the necessity of political organisations, 41, 42.

Great defect of the present system, as involving the use of an unnecessary number of lists, there being, under an amended plan, no necessity for more than one list or register of owners and occupiers, 52–55——Improvement if every voter qualified in more districts than one were registered to vote in the district nearest his residence, 56, 57. 108–110. 122–138——Suggestions for preventing a man's name appearing many times on the register, duplicate votes causing much complication and expense, 58–62—— Approval of freeholders being allowed to remain on the list for two qualifications, 58–60. 118–121. 195–200. 408–410.

Expediency of the revising barrister's court being still retained, 63, 64——Summary of the views and recommendations of the county agents consulted by witness, 65–76——Alteration suggested in the date of registration with reference to the period at which 12 *l.* occupiers enter upon occupation, 76. 453–456——Suggestion for an alteration of the leasehold qualification, 77——Advantage if, instead of the limited time in which claims can now be investigated, there were facilities for sending in claims to be rated throughout the year, 78–81.

Opinion that a claim having once been proved, the *onus probandi* should in future be thrown upon the objector, 82, 83——Contemplated option in the revising barrister as to costs

Report, 1870—*continued.*

Baxter, Robert Dudley. (Analysis of his Evidence)—*continued.*

costs in the case of objections after the claim has been proved, 84, 85——Question whether the 50 *l.* occupiers might not be removed from the list, as being included in the 12 *l.* occupiers, 86, 87. 115–117. 388–391——Approval of a repeal of the limitation in the Reform Act of 1867, on the subject of joint occupation in the case of 12 *l.* occupiers, 88–95.

Further evidence in explanation and support of the proposal for the appointment of an assistant overseer, as a permanent officer, to see to the valuation, the rate-book, and the registration, 96–107. 324–333. 352–360. 366–375——Diminution of the work of the revising barristers if there were a proper system of valuation in connection with a more complete rate-book, 112–114——Inexpediency of costs in the case of new claims, or of objectors being required to specify the grounds of objection to new claimants, 140–150. 201–214.

Witness repeats that a self-acting registration by means of permanent officers is the best system, 150, 151——Examination as to witness's grounds of objection to the assessment committees and the clerks to the guardians as the persons to make the valuation roll, 156–179——Less difficulty as regards the qualification of owners if the franchise in respect of freehold and copyhold property were assimilated, 180–183——Suggestion as to the beneficial owner as well as the legal owner, together with the residence, being placed in the owners' column of the rate-book, the tenure being inserted in another column, 184–194.

Suggested amendment of the form of notice in the case of persons already on the register, 224–226——Grounds for objecting to a removal of the limitation of 5 *l.* as the maximum of costs awarded against objectors, 227–240. 425–427——Approval of the revising barrister having certain power to amend misdescription of qualification, though it is not desirable to give unlimited power of amendment, 241–251.

Doubt as to any necessity for the proposal in Mr. Dodds' Bill of last Session, that the overseers should supply copies of the lists on requisition, by post, 252–271——Reasons for objecting to the provision in Mr. Dodds' Bill, that the overseer shall make oath as to the accuracy of the list, 272–292——Statement as to the facilities already existing for inspecting the valuation list at the office of the clerk to the assessment committee, 292–299.

Evidence opposed to the clause in Mr. Dodds' Bill, requiring the revising barristers to hold a court in every polling district, 300–322. 431–433——Objection to the property tax assessor as the official to make out the valuation list, 334–337. 445–452——Improvement, if the valuation lists were required to be made up and revised up to a certain date, 338–341——Advantages of a house-to-house inquiry by the valuation officer, as greatly facilitating the correction of the list, 342–347. 366–370——Difficulty in the matter of mortgages, the qualification in which case must be determined by the revising barrister, 348–351.

Facility to personation, if persons might poll in districts far away from their residences, 361–365. 422——Payment of the expenses of the overseers, and of registration by the occupiers as paying the rates, 376–381——Further approval of the present law, whereby the grounds of objection are not required in the case of new claims, 382–386.

Advantage of facility of objection, as a check upon abuse on the part of overseers, 392–400——Liability to fictitious votes under any system, so that the power of objection is essential, 401, 402——Conclusion as to the inexpediency of deterring objections by an increase of costs, or by other restrictions, 403–407. 425–430. 434–437.

Statement as to the practice of objection, and of proof, in the case of claims by members of freehold land societies, 411–416——Advantage of a primary testing inquiry, further adverted to, as a means of relieving the voter from attendance at the revising barrister's court, 417——Economy in litigation by retaining the present court, 418, 419——Want of a consolidation of the registration laws, and of uniformity of decision by revising barristers, 420, 421.

Advantage in the voter being required to poll near his residence, further adverted to, 422. 440–443——Further statement as to amendment being chiefly required as regards the owners' column in the rate-book, 423, 424——Approval of some check upon the revising barristers not holding a sufficient number of courts, 431, 432. 464–469——Statement as to the justices having power to appoint at what polling places the courts shall be held, 438, 439——Doubt as to much difficulty being experienced in serving notices of objection by post, 457–463.

Further consideration of the question whether there should not be an extension of the system of costs, as a bar to speculative objections, 470–479——Frequent unfitness of the revising barristers, whose appointment often goes by favour, 480, 481——Power of assessment committees to appoint a valuer, there being, however, no certainty in such appointment, 482, 483. 487–489——Advantage if rules were laid down for the guidance of the revising barristers, 484–487.

Circumstance of the Poor Rates' Assessment Committee of 1868 having recommended

Report, 1870—*continued.*

Baxter, Robert Dudley. (Analysis of his Evidence)—*continued.*

the appointment of paid officials, as a means of obtaining a correct valuation roll for rating purposes, 493——Statement as to Mr. Coppard, of Henfield, who drew the Registration Bill of 1865, having been in communication with witness relative to the present inquiry, *ib.*

Blaine, Delabere Roberton. (Analysis of his Evidence.)—Considerable experience of witness as revising barrister, 1494, 1495——Amendment required with a view to expunging duplicates from the register, 1496, 1497. 1530, 1531——Great improvement if the action of the overseers were subject to the review of the clerks to the guardians, the former being frequently very incompetent for registration purposes, 1498–1503. 1545, 1546——Objection to preliminary courts being held by the clerks to the guardians, 1503.

Advantage of one list for 12 *l.* and 50 *l.* occupiers, provided extra parochial places be specially dealt with, 1504, 1505——Improvement if owners and occupiers were on the same list, and if, by a division of rates, accuracy could be secured as regards owners, 1506–1509——Expediency of power in the revising barrister to supply omissions and to amend qualifications, 1510–1516——Approval of the present limit as to costs, and of the discretion vested in the revising barrister, 1517, 1518.

Occurrence of only one appeal from witness's decisions, 1519, 1520——Objection to an extension of the time for making claims, 1521, 1522——Decided approval of a statutory declaration to be annexed to the claim, 1523-1529——Advantage if there were an index to every register in order to facilitate the removal of duplicates, 1530——Facility to the work of revision when there are party agents on each side, 1532–1535.

Explanation of witness's practice, and of the law, in regard to the holding of courts in different parishes or districts, 1536–1539——Practice of retaining on the register all names put on by the overseers and not objected to, many unqualified persons being thus registered; advantage in such cases of a check by the clerk to the guardians, 1540–1546.

Bontems, John Francis. (Analysis of his Evidence.)—Has had more than twenty years experience of registration, mainly in Hertfordshire, 1004–1006——Concurrence in the view that the registration laws require consolidation and simplification, 1007–1011——Twofold evil of the present registration system as presenting undue facilities to unqualified persons, whilst those duly qualified as owners must take the trouble of claiming, 1012–1015.

Advantage of the appointment of an officer for correcting the register before it goes to the revising barrister, 1016, 1017. 1047, 1048——Contemplated proof of qualification by new claimants, 1018, 1019. 1112, 1113. 1213. 1274, 1275——Approval of a statutory declaration by new claimants; improbability of much inaccuracy in this respect, 1020–1024. 1185–1188. 1190–1192. 1214–1216. 1324——Suggestions for an extension of the time for sending in claims, increased facility of objection being given in the case of late claimants, 1025–1031. 1114–1119. 1189. 1209, 1210.——Satisfaction expressed with paid overseers, subject to the clerks to the guardians, as the persons to prepare the lists, 1032–1035.

Expediency of all duplicates being expunged and of each voter being only once on the register; proposed authority in the revising barrister for this purpose, 1037–1043. 1180, 1181——Obstacles to a self-acting registration of owners, 1044–1046——Necessity of a self-acting system under the ballot, 1044——Approval of the ground of objection being more fully stated, 1049–1051. 1149–1151——Advantage of power in the revising barrister to correct mistakes and to supply omissions, 1049. 1055–1058. 1164–1166. 1272, 1273.

Approval of its being compulsory on revising barristers to grant an appeal, 1059, 1060——Evidence on the subject of costs, with suggestions as to the amendments desirable, 1061–1063. 1125–1128. 1152–1159. 1182–1184. 1234–1238. 1243–1245. 1247–1252——Importance, if the ballot be adopted, of voters being required to poll in the place of their residence; difficulty otherwise in preventing personation, 1064–1069. 1111. 1143–1148——Concurrence in the suggestion for holding a revision court in each polling place, 1070–1073.

Great and wasteful expense of printing in connection with the county registration; suggestion for the correction of this evil, 1074–1092——Suggestion that the 50 *l.* occupiers and the 12 *l.* occupiers be placed on the same list; any of the former, if omitted, should have power to claim, 1088–1090. 1211, 1212. 1316–1322——Contemplated separate list for owners, 1090–1092——Extent to which claims and objections should be dealt with by a permanent registration officer, with a view to saving proceedings before the revising barrister, 1093–1098. 1120–1124. 1201–1208. 1266–1271. 1278–1282.

Doubt as to the advantage of street lists for county registration, 1099–1104——Exception taken to the proposal in regard to postmasters supplying information as to change of residence, 1105. 1323——Objection to special facilities being given to persons who come

Report, 1870—*continued.*

Bontems, John Francis. (Analysis of his Evidence)—continued.

come into possession of property after the 20th July, 1107, 1108——Suggestion that the rate-book be conclusive evidence of qualification in the case of 12 *l.* occupiers; power at present to dispute the rate-book in the revision courts, 1109, 1110. 1196–1200. 1291–1304.

Further evidence in support of the conclusion that a self-acting system may be provided by means of the clerks to the guardians, acting in concert with the overseers and assistant overseers, 1129–1142. 1239–1242. 1259–1263. 1277. 1297–1299——Relief as to the satisfactory working of assessment committees, 1129–1131. 1140–1142——Impression that under the ballot personation is not likely to increase, 1146–1148. 1290.

Advantage of some different mode of appointment of the revising barristers, 1160–1163——Doubt as to the necessity of overseers being required to send copies of the lists by post on receipt of a fee, 1167–1170——Probable advantage in requiring the overseers to verify the lists on oath, 1171–1175——Expediency of the overseers being required duly to publish the lists, there being much neglect on this score, 1176–1179. 1426.

Precautions taken in Hertfordshire before objections are made by the registration societies, 1193–1195——Practice in Hertfordshire of allowing the qualification of freeholders if it is proved that the holding cost 40 *l.*, 1217–1221——Statement as regards 12 *l.* occupiers being put on the list without the overseers making a fresh claim every year, as directed by Act, 1222–1227.

Suggestion with further reference to an extension of time for sending in claims, though claims after a certain date should not come on the new register, 1228–1231——Hardship to out-voters in requiring them to vote at their own polling places, irrespectively of their residence, 1232, 1233——Objection to the overseers being empowered to refuse registration unless they had reason to believe there was no qualification, 1253–1258.

Facility of communication between clerks to the guardians with a view to the expunging of duplicates, 1264, 1265——Expected objection by ratepayers to the appointment of assistant overseers in all cases, 1276——Small expense to the ratepayers in respect of the extra duties proposed to be thrown upon the clerk to the guardians, 1305–1307——Varying practice as to the printing of separate lists annually in the case of 12 *l.* occupiers; amendment suggested in this matter, 1308–1322.

Borough Registration. Approval, for county registration, of several of the recommendations of Mr. Harcourt's Committee relative to borough registration, *Roberts* 640–652——Suggested assimilation of the county and borough registration as regards the publication of the lists more especially, *Pilcher* 899, 900——Proposed assimilation of the time of registration in counties and in boroughs, *Udall* 2290.

Buckinghamshire. Sufficient number of revision courts held in Buckinghamshire, *Parrott* 2153.

C.

Cave, Lewis William. (Analysis of his Evidence.) Experience of witness as a revising barrister in Yorkshire, 2645–2648——Confusion created by the new list, made out every year in respect of occupation, being subsidiary to the permanent list; advantage of but one list for owners and occupiers, 2649–2652. 2655, 2656——Opinion that voters should be required to vote where they reside, 2653, 2654——Advantage if there were permanent assistant overseers for making out the lists, as far more competent than the overseers, 2657–2662. 2767–2777——Doubt as to any advantage of supervision by the clerk to the guardians, 2662.

Decided objection to the practice of not allowing costs to new claimants; illustration in the North Riding of the abuse of this system, as rendering objections general, 2663. 2670. 2679–2682——Statement in favour of power in the revising barrister to amend the qualification, and to disallow objections if a substantial qualification is proved, 2665–2678——Disapproval of a statutory declaration as evidence of qualification, 2683–2686.

Consideration of the checks upon improper registration, and of the system of objections; approval of some check upon new claims, in the absence of objections, 2687–2706. 2746 *et seq.*——Advantage of a power of withdrawing objections, such withdrawal being now illegal, 2694–2696. 2827–2829. 2867–2872——Approval of a right of appeal from the revising barrister, 2707, 2708——Difficulty in specifying the ground of objection in the case of new claims, 2709, 2710——Contemplated discretion in the revising barrister as to giving costs, the limit of 5 *l.* being sufficient, 2711, 2712.

Improvement of rules were framed for the guidance of the revising barristers, 2714——Objection to the proposal that the overseers shall verify the lists on oath, 2715–2718——Great variation in the payments made to overseers for registration duties, 2719——Approval of the present regulations as to the places where revision courts are held, 2720–2723——Want of consolidation of the registration laws, 2724. 2733, 2734——Advantage of facilities for enforcing the payment of costs, 2725, 2726.

Report, 1870—*continued.*

Cave, Lewis William. (Analysis of his Evidence)—*continued.*

Disapproval of a transfer of the appointment of revising barristers to the Court of Common Pleas, 2726, 2727——Approval of steps for expunging duplicates from the register, 2728–2732——Probable advantage if the lists were kept in strict alphabetical order, 2735–2739——Concurrence in the proposal for incorporating the Chandos 50 *l.* occupiers into the 12 *l.* list; any of the former not officially registered might claim, 2740–2745.

Reluctance of overseers to object to new claims, though not omitting to object on loss of qualification, 2754, 2755. 2771–2773——Grounds for disapproving of the registering officer holding a preliminary court, whence there should be an appeal to the revision court, 2756–2764——Advantage of the revising barrister being appointed in the Spring circuit, 2765. 2885, 2886——Doubt as to the advantage of postponing the qualifying day till the 31st August, 2766. 2830–2834—— Very imperfect state of the register but for political organisations, 2777–2779. 2845, 2846—— Difficulty of a self-acting registration in the case of property qualifications, 2782. 2835. 2842–2844.

Advantage of but one list, 2787——Labour and expense in preparing and publishing the 12 *l.* occupiers' list every year, as required by Act, 2788——Approval of persons not remaining on the register for more than two qualifications, 2789, 2790——Statement as to a 12 *l.* rating in the rate-book not being necessarily deemed conclusive evidence of qualification, 2791–2797.

Explanation as to the law and practice on the subject of the appointment of places for holding revision courts; approval of the matter resting with the court of quarter sessions, 2798–2825——Facility of a self-acting registration of occupiers by means of the overseers, 2835–2841——Approval of a certain suggestion for checking and identifying duplicate qualifications, 2848–2856——Advantage, where there are several qualifications, of confining the claim to the place nearest the residence of the claimant, 2857–2860.

Non-objection to persons voting for a limited time after they have parted with their qualification, 2861–2866——Very defective Conservative organisation, formerly, as regards registration in the North Riding, 2873——Instances of the lists having been made out by the overseers on wrong forms of paper, 2874, 2875——Tendency of revising barristers to amend formal errors in the matter of claims, large powers in this direction being desirable, 2876–2883——Convenience of the courts or rooms for revision purposes, where provided by the county, the expense being trifling, 2887, 2888.

Change of Residence. Facility now given to persons to prove change of residence, without attending the revision courts, *Freeman* 1685——Amendment proposed as regards reclaims in cases of change of residence, *Edge* 1996, 1997.——*See* also *Post Office.*

Claims:

Advantage if, instead of the limited time in which claims can now be investigated, there were facilities for sending in claims to be rated throughout the year, *Baxter* 78–81——Approval of the present law whereby the grounds of objection are not required in the case of new claims, *ib.* 140–150. 201–214. 382–386.

Enlarged facilities suggested as to the time up to which persons might claim to come upon the register, increased facilities being also given to objectors in such cases, *Roberts* 497–507; *Bontems* 1025–1031. 1114–1119. 1189. 1209, 1210——Expediency of strict proof of qualifications in the case of persons claiming after the day fixed in the Act, *Roberts* 548–555.

Statement in further explanation and support of the proposal that facilities be given to persons to register at any time, or up to the day of holding the revision court, *Roberts* 675. 676. 710. 797–813. 838——Approval of some further information being supplied as to qualification by new claimants, *ib.* 772, 773. 777–780.

Contemplated proof of qualification by new claimants, *Pilcher* 890; *Bontems* 1018, 1019. 1112, 1113. 1213. 1274, 1275——Objection to special facilities being given to persons who come into possession of property after the 20th July, *Pilcher* 901–904; *Bontems* 1107, 1108——Claims should be receivable all through the year, if there were a permanent official, *Bontems* 1026, 1189. 1228–1231——Suggestion with further reference to an extension of time for sending in claims, though claims after a certain date should not come on the new register, *ib.* 1228–1231.

Practice of witness to retain all claimants on the list, unless objected to, *Hurrell* 1341. 1349. 1480–1483——Expediency of every facility being given to new claimants, *ib.* 1348, 1349——Objection to persons being empowered to claim before the revising barrister without previous notice, or to send in claims after the 20th July, *ib.* 1363. 1367–1370. 1386–1389.

Disavowal of any extension of the time for making claims, *Blaine* 1521, 1522——Objection to claims being sent in up to the time of the revision, *Freeman* 1594, 1595. 1722–1730; *Edge* 2007, 2008. 2010, 2011——Advantage if the nature of each claim were more explicitly stated, *Freeman* 1614–1616. 1650, 1651, 1887–1892——Belief as to the overseers being bound to receive claims at any time of the year, *ib.* 1858–1865.

Objection

Claims—continued.

Objection to Mr. Freeman's suggestion in regard to claims being very specific, *Edge* 2043——Approval of a fixed date after which claims should not be sent in, *Parrott* 2148. 2173-2176——Expediency of persons claiming if omitted by the overseers, and of new claimants not being required to prove their claims unless objected to, *ib.* 2161-2171. 2203-2208. 2215-2217. 2230-2232.

Objection to new claimants being required to prove their qualification, unless objected to, *Udall* 2244-2252. 2284. 2407-2412——Great difficulty in getting qualified persons to claim, *ib.* 2284. 2412——Recommended alteration in the dates for sending in claims and objections, *ib.* 2293. 2294——Doubt as to the expediency of requiring the qualification in the third column to be stated with greater particularity, *ib.* 2399-2406——Opinion that new claims should be more specific, *Trevor* 2451.

Necessity of a continuance of the system of making claims even though the owners' column in the rate-book were made accurate by a division of rates between owners and occupiers, *Rep.* iii, iv——Disapproval of new claimants being in all cases required to give proof of qualification, even though not objected to, *ib.* iv——Necessity of a list in each year showing the number of new claimants, *ib.*

See also *Costs. Objections. Statutory Declaration. Revising Barristers, &c.* 3.

Clerk of the Peace. Duties of the Clerk of the Peace in connection with the register; very short time allowed between the revision and the printing of the register, *Trevor* 2426, 2427.

Clerks to the Guardians. Evidence in explanation of witness's objections to the clerk of the guardians as the head registration agent, *Baxter* 32. 159-163.

Suggestion that the occupiers be put on the lists by the clerks of the unions, *Roberts* 510, 511. 567-575——Further statement in favour of the clerk to the guardians as the person to make a preliminary revision and to do the work now done by the overseer, *ib.* 568-576. 617-621. 677-680.

Evidence in support of the conclusion that a self-acting system may be provided by means of the clerks to the guardians, acting in concert with the overseers and the assistant overseers, *Bontems* 1034. 1129-1142. 1239-1242. 1259-1263. 1277. 1297-1299——Opinion as to the fitness of the clerk to the guardians as the person to see that the work is properly done, *ib.* 1034, 1035——Small expense to the ratepayers in respect of the extra duties proposed to be thrown upon the clerk to the guardians, *ib.* 1305-1307.

Objection to the appointment of new officials for registration purposes, or to the supervision resting with the clerks to the guardians, *Freeman* 1550-1564. 1645——The clerk to the guardians has no time for the work, *ib.* 1557-1559——Evidence in further disapproval of the clerk to the guardians, or the clerk to the assessment committee, with the aid of the assistant overseers, carrying out the registration and making corrections, *ib.* 1708-1712. 1752-1790. 1870-1880.

Objection to the clerk to the guardians having the superintendence of the overseers for registration purposes, *Edge* 1965, 1966. 1974. 2044-2050.——Disapproval of the clerks to the guardians as registering officials, *Trevor* 2468-2472——Doubt as to any advantage of supervision by the clerk to the guardians, *Cave* 2662.

See also *Assessment Committees. Overseers. Preliminary Inquiry.*

Colebrooke, Sir Edward, Bart. (*Member of the Committee.*) (Analysis of his Evidence.)—Submits sundry details in connection with the system of assessment and of county registration in Scotland, the same working exceedingly well; obstacles to an assimilation of the English system to that in Scotland, 2915 *et seq.*

Conservative Agents. Summary of the views and recommendations of the county agents consulted by witness, *Baxter* 65-76.

Consolidation of Laws. Want of a consolidation of the registration laws, and of uniformity of decision by revising barristers, *Baxter* 420, 421——Concurrence in the opinion as to the advantage of a consolidation of the registration laws, *Roberts* 498. 565, 566; *Bontems* 1007-1011; *Udall* 2331; *Cave* 2724. 2733, 2734——Probability of revising barristers differing on some points of law, a consolidature of the registration laws being very desirable, *Hurrell* 1328-1330.

Copies of Lists. Doubt as to any necessity for the proposal in Mr. Dodds' Bill of last Session that the overseers should supply copies of the lists on requisition by post, *Baxter* 252-271; *Bontems* 1167-1170; *Freeman* 1834-1836.

Approval of the proposal that persons may obtain copies of the lists on application by post and on payment of a fee, *Roberts* 735-738; *Freeman* 1688, 1689; *Edge* 2078-2080; *Trevor* 2605.

Report, 1870—*continued.*

Coppard, Mr. Statement as to Mr. Coppard of Henfield, who drew the Registration Bill of 1865, having been in communication with witness relative to the present inquiry, *Baxter* 493.

Copyhold Tenures. Less difficulty as regards the qualification of owners if the franchise in respect of freehold and copyhold property were assimilated, *Baxter* 180–183.

Cost of Registration. Payment of the expenses of the overseers and of registration by the occupiers as paying the rates, *Baxter* 376–381——Absence of direct charge upon the rates in respect of the assistant overseers' expenses for preparing the lists, *Freeman* 1927–1930——Public objection to any payment out of the rates to the overseers for registration duties, *Trevor* 2470. 2607——Great variation in the payments made to overseers for registration duties, *Cave* 2719. *See* also *Printing.*

Costs:

Contemplated option in the revising barrister as to costs in the case of objections after the claim has been proved, *Baxter* 84, 85—— Inexpediency of costs in the case of new claims, or of objectors being required to specify the grounds of objection to new claimants, *ib.* 140–150. 201–214. 382–386——Grounds for objecting to a removal of the limitation of 5*l.* as the maximum of costs awarded against objectors, *ib.* 227–240. 425–427—— General rule of the revising barristers not to give costs in the case of new claims, *ib.* 405–407—— Objection to compulsory costs, *ib.* 473–479.

Evidence in detail on the subject of costs, witness considering that costs should follow the event, that discretion should be left to the revising barrister as to the amount, and that there should be no costs in the case of objections to new claims, *Roberts* 543–555. 599, 600. 611, 612. 630–632. 729, 730. 756–758. 781–783——Question of costs further considered with reference more especially to the course desirable where persons at a distance are objected to, *ib.* 840–859——Opinion adverse to costs in the case of new claimants, *Pilcher* 890——Evidence on the subject of costs, with suggestions as to the amendments desirable, *Bontems* 1061–1063. 1125–1128. 1152–1159. 1182–1184. 1234–1238. 1243–1245. 1247–1252——Approval of the present limit of 5*l.*, *ib.* 1125. 1152–1154.

Practice of witness not to give costs in the case of new claimants, *Hurrell* 1356–1358——Approval of increased discretion in the revising barrister as to the amount of costs, *ib.* 1362. 1425–1428——Objection to any increase of the limit as to costs, *ib.* 1381—— Circumstance of witness having never awarded costs beyond 4*l.*, *ib.* 1484, 1485—— Approval of costs when a voter attends the court, through an objection subsequently withdrawn, *ib.* 1487–1492——Approval of the present limit as to costs, and of the discretion vested in the revising barrister, *Blaine* 1517, 1518.

Question of costs considered; approval of the present maximum of 5*l.*, and of the discretion exercised, *Freeman* 1623, 1624. 1628. 1654–1658. 1686. 1809–1818. 1826–1832——Opinion that new claimants should be entitled to costs in the discretion of the revising barrister, and should not be required to prove their qualification, unless objected to, *ib.* 1654–1658. 1893–1895——Evidence in favour of new claimants being obliged to prove their qualification, and of costs not being given against objectors to new claims, *Edge* 1975–1981. 1991, 1992. 2052–2073. 2090–2099——Question of costs considered, as against claimants and objectors; suggestions on the subject, it being proposed to frame rules for the guidance of the revising barristers, *ib.* 1991 *et seq.*——Satisfactory working of the discretion vested in the revising barrister as to costs, *Parrott* 2149–2151.

Suggestions on the subject of costs, and the amount to be awarded under different circumstances; objection to costs following the event in all cases, *Udall* 2263–2274. 2285–2287. 2347–2357. 2399–2403——Conclusion that new claimants should be entitled to costs if the objections fail, *Trevor* 2451–2454. 2519, 2520. 2527–2539——Approval of costs against persons sending in unfounded claims, *ib.* 2455, 2456——Sufficiency of power to award costs up to 5*l.*, *ib.* 2497, 2498——Contemplated discretion in the revising barrister as to the allowance of costs when claims are altered, *ib.* 2594——Question as to the mode of dealing with the costs in the case of persons put on the register through claims made by others, *ib.* 2624–2632.

Decided objection to the practice of not allowing costs to new claimants; illustration in the North Riding of the abuse of this system, as rendering objections general, *Cave* 2663. 2679–2682. 2760——Contemplated discretion in the revising barrister as to giving costs, the limit of 5*l.* being sufficient, *ib.* 2711, 2712——Suggested facilities for enforcing the payment of costs, *Cave* 2725, 2726; *Hurrell* 2897, 2898.

Disapproval by the Committee of the law as regards costs against objectors being rendered more stringent or severe, *Rep.* v.——Exception taken to the rule of many revising barristers not to award costs in any case where a person is claiming for the first time, *ib.* ——Opinion that the general question of costs may be safely left to the discretion of revising barristers, *ib.*

Report, 1870—*continued.*

D.

Date of Qualification. Question of altering the date of registration with reference to the period of the year at which 12 *l.* occupiers enter upon occupation in some counties, *Baxter* 76. 453-456——Doubt as to the advantage of altering the date of termination of the yearly residence for qualifying voters, *Freeman* 1923-1926——Hardship in persons taking farms or lands at Michaelmas not being able to vote till two years and a quarter subsequently, *Parrot* 2227, 2228——Doubt as to the advantage of postponing the qualifying day till the 31st August, *Cave* 2766. 2830-2834.

See also *Borough Registration. Claims.*

Division of Rates. Effect of a division of rates between owners and occupiers in leading to a complete rate-book for registration purposes, *Baxter* 30, 31——Improvement if owners and occupiers were on the same list, and if, by a division of rates accuracy could be secured as regards owners, *Blaine* 1506, 1509——Inadequacy of a division of rates between owners and occupiers as a means of securing an accurate list of owners, it being necessary to maintain the system of claims by owners, *Freeman* 1566-1578.

Necessity even if there were a division of rates, of a continuance of the system of making claims, *Rep.* iii, iv.

Duplicates:

Suggestions for preventing a man's name appearing many times on the register, duplicate votes causing much complication and expense, *Baxter* 58-62——Approval of freeholders being allowed to remain on the list for two qualifications, *ib.* 58-60. 118-121. 195-200. 408-410——Suggestions as to the best means of preventing duplication of owners' names on the register, *Roberts* 536-539——Where the same person is qualified as an occupier and as a freeholder the former qualification should be struck out, *ib.* 628, 629——Vast number of duplicates on the existing register, *Roberts* 668-670; *Pilcher* 876——Suggestion that the revising barrister be empowered to strike out duplicate qualifications and to retain the freehold qualification, *Pilcher* 876. 879-881——Way in which duplicate freeholders on the register may be prevented, *ib.* 905-909. 971-974.

Expediency of all duplicates being expunged, and of each voter being only once on the register; proposed authority in the revising barrister for this purpose, *Bontems* 1037-1043. 1180, 1181——Objection to owners remaining on the list in respect of two qualifications, *ib.* 1180, 1181——Facility of communication between clerks to the guardians with a view to the expunging of duplicates, *ib.* 1264, 1265.

Approval of duplicate qualifications being expunged, due care being taken that disqualification does not subsequently arise, *Hurrell* 1371-1377. 1454-1458——Amendment required with a view to expunging duplicates from the register, *Blaine* 1496, 1497. 1530, 1531——Expediency of dealing with duplicates, by empowering the barrister to strike out all qualifications but two, *Freeman* 1629-1631. 1636-1643. 1791-1796. 1936-1940——Advantage if there were an index to every register in order to facilitate the removal of duplicates, *Blaine* 1530; *Freeman* 1881-1886——Contemplated removal of duplicates by the assistant overseer, save that two qualifications might be retained, *Parrot* 2126-2132. 2136. 2172.

Difficulty likely to arise if duplicate qualifications are prevented, it being on the other hand a great convenience to retain but one qualification, *Udall* 2295. 2332-2341——Opinion that but little evil arises from duplicate entries, and but little expense in printing; witness, in fact, would retain duplicate qualifications on the register, *Trevor* 2432-2439. 2595-2598——Approval of certain suggestions for checking and identifying duplicate qualifications, *Cave* 2728-2732. 2848-2856——Approval of persons not remaining on the register for more than two qualifications, *ib.* 2789, 2790——Advantage, where there are several qualifications, of confining the claim to the place nearest the residence of the claimant, *ib.* 2857-2860.

Recommended power in the revising barrister to strike out duplicate entries from the register, *Rep.* v.——Facility of ascertaining the existence of duplicates, *ib.*——Approval of duplicates being allowed to the extent of any voter who has more than one qualification appearing twice on the register, *ib.*

E

East Kent. Great number of duplicates on the register for East Kent, causing much complication and expense, *Pilcher* 876-878. 905. 920-922——Valuable knowledge of the assistant overseers in East Kent, the lists being very well made out, *ib.* 882. 884. 911-914. 923-931. 943-945. 975-985——Careful inquiry by the registration agents before new claims are objected to, *ib.* 947-949——The constituency is 12,720, *ib.* 969——Uselessness in East Kent of retaining the 50 *l.* qualification, *ib.* 953-955.——Total of about 300 *l.* a year on each side as the expense of political parties for registration, *ib.* 956-958. 969, 970.

Report, 1870—*continued.*

Edge, James Broughton. (Analysis of his Evidence).—Has had considerable experience as regards registration and revision in South Lancashire, 1962–1964——Objection to the clerk to the guardians having the superintendence of the overseers for registration purposes, 1965, 1966. 1974. 2044–2050——Advantage of the compulsory appointment of permanent assistant overseers for making out the voting lists and jury lists, 1967–1971. 2050, 2051. 2108——Necessity of retaining the present revision courts, 1972, 1973——Objection to any preliminary court of enquiry or revision, 1973, 1974.

Evidence in favour of new claimants being obliged to prove their qualification, and of costs not being given against objectors to new claims, 1975–1981. 1991, 1992. 2052–2073. 2090–2099——Approval of power in the revising barrister to amend claims, 1982. 2077——Grounds for objecting to a statutory declaration in the case of new claimants, 1983–1990——Question of costs considered as against claimants and objectors; suggestions on the subject, it being proposed to frame rules for the guidance of the revising barristers, 1991, *et seq.*

Amendment proposed as regards re-claims in cases of change of residence, 1996, 1997——Approval of the present mode of objections, save that the notice should state the column objected to, 2000. 2009. 2031–2033——Objection to claims being allowed up to the time of revision 2007, 2008. 2010, 2011——Readiness of revising barristers to grant appeals, 2012, 2013——Frequent instances of fictitious claims and of improper registration, the overseer not being an effectual check in the absence of registration societies, 2014–2024. 2100–2104.

Suggestions on the subject of a statutory declaration as an answer to objections made within a certain time after claims have been established, 2025–2030——Objection to the overseer striking names off the list save in the event of death, 2034, 2035——Approval of the 50 *l.* occupiers and 12 *l.* occupiers being in the same list, 2036.

Circumstance of witness having once prepared a Registration Bill; he approves of certain clauses in the Bill of Mr. Dodds, some of the suggestions by the latter being similar to those made by himself, 2037–2042. 2074–2089——Objection to Mr. Freeman's suggestion in regard to claims being very specific, 2043.

Expediency of its being compulsory to hold a revision court in every polling district, 2043. 2087–2089——Advantage of necessary proof of claim before the revising barrister as tending to keep the register pure, 2100–2105——Contemplated publication of re-claims as well as of new claims, 2106, 2107.

F.

Faggot Votes. Statement relative to the former creation of faggot votes in Yorkshire, *Freeman* 1933, 1934.

Fictitious Votes. Frequency of fictitious votes on the register under the present system; illustration of this in East Cheshire, *Roberts* 556–559. 706–788——Twofold evil of the present system as presenting undue facilities to unqualified persons, whilst those duly qualified as owners must take the trouble of claiming, *Bontems* 1012–1015——Frequent instances of fictitious claims and of improper registration, the overseers not being an effectual check in the absence of registration societies, *Edge* 2014–2024. 2100–2104——Opinion that under the present system not many unqualified persons get on the register, especially where there are political organizations, *Udall* 2245–2249. 2282——Belief as to the sufficiency of the existing checks against improper registration, *Cave* 2687.

See also *Costs.* *Political Organisations.*

Freehold Land Societies. Statement as to the practice of objection and of proof in the case of claims by members of freehold land societies, *Baxter* 411–416——Genuine votes generally obtained through the freehold land societies, *Freeman* 1931–1933.

Freeman, John. (Analysis of his Evidence.)—Solicitor at Huddersfield; has had more than thirty years' experience of registration, 1548, 1549——Objection to the appointment of new officials for registration purposes, or to the supervision resting with the clerks to the guardians, 1550–1564. 1645. 1708–1720——Advantage if assistant overseers were appointed in all cases, 1559–1564. 1588–1593——Suggestion for dispensing with the list of 12 *l.* occupiers, and for the formation of only one list of owners and occupiers, 1565.

Inadequacy of a division of rates between owners and occupiers as a means of securing an accurate list of owners, it being necessary to maintain the system of claims by owners, 1566–1578——Salutary action of registration societies in getting qualified persons on the register, 1579——Instance of improper claims by a registration agent, 1580–1582——Numerous class qualified in the West Riding as occupiers of rooms, &c., it being necessary for these to send in claims, 1583–1586——Advantage of an alphabetical list comprising both owners and occupiers, 1587, 1588. 1653.

Objection to claims being sent in up to the time of the revision, 1594, 1595. 1722–1730——Practice in the West Riding as to the holding of courts in the several revision districts, but not at each polling place; state of the law on this point, 1596–1609——Approval

Report, 1870—*continued.*

Freeman, John. (Analysis of his Evidence.)—*continued.*

proval of increased power of amendment in revising barristers, so long as a new qualification is not introduced, 1610. 1681–1684——Decreased number of objections in the West Riding in respect of mortgages, 1611, 1612.

Great facility as regards registration in the West Riding on account of the system of registering property; particulars hereon, 1612. 1665–1669——Grounds for disapproving of a statutory declaration, 1613. 1617–1619. 1659–1662. 1725–1729. 1742–1744. 1809–1818. 1935. 1945–1948——Advantage if the nature of each claim were more explicitly stated, 1614–1616. 1650, 1651. 1887–1892——Fewer frivolous objections than formerly, 1620–1622——Question of costs considered: approval of the present maximum of 5*l.* and of the discretion exercised 1623, 1624. 1628. 1654–1658. 1686. 1809–1818. 1826–1832.

Suggestion that it be legal to withdraw notices of objections, 1625-1627——Expediency of dealing with duplicates, by empowering the barrister to strike out all qualifications but two, 1629–1631. 1636–1643. 1791–1796. 1936–1940——Consideration of the question of voters polling in the district nearest their residence, so as to check personation; discretion desirable in the case of non-resident voters, 1632-1636. 1696–1698. 1731–1738. 1797–1808.

Objection to the assistant overseers or clerk to the guardians holding a preliminary registration court, 1644, 1645. 1712–1721——Approval of discretion in the revising barrister as to giving an appeal, 1646–1649——Different steps required in forming the list presented to the revising barrister, 1650——Opinion that new claimants should be entitled to costs in the discretion of the revising barrister, and should not be required to prove their qualification, unless objected to, 1654–1658. 1893–1895.

Doubt as to the expenses incurred by registration societies being very onerous; moderate expenditure in Yorkshire, 1663, 1664. 1745–1751—— Approval of a penalty in the case of voters polling who have parted with their qualification, 1670–1674——Grounds for disapproving of the proposal that notices of objection shall state specifically the grounds of objection; undue publicity thereby, 1675–1678. 1819–1825——Facility now given to persons to prove change of residence, without attending to the revision courts, 1685.

Approval of increased facility to persons to obtain copies of the lists, provided they pay a small fee, 1688, 1689——Exception taken to the proposal that the overseers shall verify the lists on oath, 1690-1693. 1837–1850——Opinion as to the sufficiency of the present facilities for the inspection of the rate-book, 1694. 1851–1857——Grounds for objecting to the holding of a revision court at each polling place: explanation as to the regulations on this subject, some amendment being desirable, 1695. 1896–1911.

Use now made of the power of statutory declaration given by the Act of 1865; 1699——Want of a registration of partnerships in the manufacturing districts, 1700, 1701——Further statement as to the improvement of the register by means of political associations, 1702–1707. 1833——Evidence in further disapproval of the clerk to the guardians or the clerk to the assessment committee, with the aid of the assistant overseers, carrying out the registration, and making corrections, 1708–1712. 1752–1790. 1870–1880.

General appointment of assistant overseers in townships in the West Riding; amount of supervision exercised over these by the clerk to the assessment committee, 1757–1790——Doubt as to additional facilities being required for obtaining lists of voters, 1834–1836——Belief as to the overseers being bound to receive claims at any time of the year, 1858–1865——Improper claims placed on the register if undue facilities are given, without check by registration societies, 1866–1869.

Inadequacy of the machinery of the Union Assessment Committee for a self-acting registration of owners 1870–1880——Advantage of an index to the register as a means of ascertaining the duplicate qualifications, 1881–1886——Failure of a self-acting registration by overseers in parishes or townships where no overseers are appointed, 1912–1922——Doubt as to the advantage of altering the date of termination of the yearly residence for qualifying voters 1923-1926——Absence of direct charge upon the rates in respect of the assistant overseer's expenses for preparing the lists, 1927–1930.

Genuine votes generally obtained through the freehold land societies, 1931–1933——Statement relative to the former creation of faggot votes in Yorkshire, 1933, 1934——Approval of an incorporation of the 12*l.* list and 50*l.* list, 1941–1944——Question considered as to the expediency of amalgamating the machinery for making out the jury list and the voting list, 1949–1960.

H.

Hertfordshire. Precautions taken in Hertfordshire before objections are made by the registration societies, *Bontems* 1193–1195——Practice in Hertfordshire of allowing the qualification of freeholders if it is proved that the holding cost 40*l. ib.* 1217–1221——Statement as regards 12*l.* occupiers being put on the list without the overseers making a fresh claim every year, as directed by the Act, *ib.* 1222–1227.

Report, 1870—*continued.*

Hurrell, John. (Analysis of his Evidence.) Considerable experience of witness as revising barrister, 1326——Occurrence of only two appeals from his decisions, 1327——Probability of revising barristers differing on some points of law, a consolidation of the registration laws being very desirable, 1328-1330——Fitness of the assistant overseers for making out the lists, the overseers in small rural parishes being sometimes inefficient, 1331, 1332. 1334-1338.

Great and useless expense incurred in printing; suggestion for correcting this evil, 1332, 1333——Approval generally of the practice of overseers in putting claimants on the list, unless it is beyond a doubt that there is no qualification, 1339-1349——Salutary operation of the system of registration agents, in witness's experience, 1340. 1353-1355. 1358. 1485, 1486——Practice of witness to retain all claimants on the list unless objected to, 1341. 1349——Expediency of every facility being given to new claimants, 1348, 1349——Opinion as to the sufficiency of the present check on frivolous objections, 1350-1353. 1357.

Practice of witness not to give costs in the case of new claimants, 1356-1358——Disapproval of preliminary inquiries by registration officers before persons are put on the list, 1359-1361. 1417-1422——Approval of increased discretion in the revising barrister as to the amount of costs, 1362. 1425-1428——Objection to persons being empowered to claim before the revising barrister without previous notice, or to send in claims after the 20th July, 1363. 1367-1370. 1386-1389——Check necessary in connection with a power to claim by statutory declaration, 1364-1366. 1383-1385——Approval of duplicate qualifications being expunged, due care being taken that disqualification does not subsequently arise, 1371-1377. 1454-1458.

Expediency of full power in the revising barristers to maintain order in their courts, 1379, 1380. 1453——Objection to any increase of the limit as to costs, 1381——Practice of witness as to holding a court in each polling district; suggestions on this point, 1382. 1446,* 1447.* 1459-1470. 1478, 1479—— Beneficial action of registration societies in correcting the register, further adverted to, 1390-1399. 1408, 1409——Doubt as to any improvement in transferring the appointment of revising barristers to the Court of Common Pleas, 1400-1407——Question as to there being any room for economy in the payment, or the number, of revising barristers, 1410-1412.

Opinion that the specific grounds of objection should be stated in the notice, 1423, 1424——Approval of further powers in the revising barrister to correct the register, &c., 1429-1431. 1448-1453——Contemplated right of appeal from the revising barrister's decision, 1431-1435——Instances of overseers omitting to publish the lists in the way directed by Parliament, 1436-1440——Non-objection to overseers being required to make a statutory declaration as to the correctness of the lists, 1441-1446.

Due notice given by witness before holding his courts, 1471-1477——Practice of witness not to interfere with any names on the list, unless objected to, 1480-1483——Circumstance of witness having never awarded costs beyond 40*s.*, 1484, 1485——Approval of costs when a voter attends the court, through an objection subsequently withdrawn, 1487-1492.

[Second Examination.]—Return adverted to as showing the number and result of appeals in the last ten years, 2890, 2891——Statement to the effect that the revising barrister is compelled by law to hold a court at every polling place, 2891——Explanation of the state of the law on the subject of the selection of places for holding revision courts, 2891-2896.

Suggested summary power in the revising barrister to enforce the payment of costs, 2897, 2898——Advantage of power in the revising barrister to make certain corrections before the printing of the list, 2898——Practice as to the rooms at which witness's court are held, 2898, 2899.

Amendment suggested as regards objections by the overseers, so as to give better notice to those objected to, 2900-2910——Excessive cost in the printing of the register, 2910-2912——Suggestion for the appointment of two more revising barristers on the Home Circuit, so that there may be one for each of the twelve revision districts, 2913, 2914.

I.

Index to Register. Advantage of an index to the register as a means of ascertaining the duplicate qualifications, *Blaine* 1530; *Freeman* 1881-1886——Obstacle on the score of time and cost to an index of the register as far as the qualifications are concerned, *Trevor* 2585-2593.

Inspector of Lists, &c. Statement as to the facilities already existing for inspecting the valuation list at the office of the clerk to the assessment committee, *Baxter* 292-299——Advantage

Report, 1870—*continued.*

Inspector of Lists, &c.—continued.

Advantage of increased facilities for an inspection of the lists, *Roberts* 746, 747—— Opinion as to the sufficiency of the present facilities for the inspection of the rate-book, *Freeman* 1694. 1851–1857.

J.

Joint Occupation. Approval of a repeal of the limitation in the Reform Act of 1867 on the subject of joint occupation in the case of 12 *l.* occupiers, *Baxter* 88–95.

Jury List. Question considered as to the expediency of amalgamating the machinery for making out the jury list and the voting list, *Freeman* 1949–1960.

L.

Leasehold Qualification. Suggestion for an alteration of the leasehold qualification, *Baxter* 77——Expediency of its being made clear that an equitable interest with regard to leasehold confers a vote, *Udall* 2309.

Lists. Great defect of the present system as involving the use of an unnecessary number of lists, there being under an amended plan no necessity for more than one list or register of owners and occupiers, *Baxter* 52–55——Approval of an incorporation of the 12 *l.* list and 50 *l.* list, *Baxter* 86, 87. 115–117. 388–391; *Roberts* 533, 534; *Blaine* 1504, 1505; *Freeman* 1941–1944; *Edge* 2036; *Trevor* 2428–2431.

Advantage of all those qualified as owners or occupiers being included in one list, and of all new claims being included in the new list, instead of there being, as at present, five lists to be dealt with by the revising barrister, *Roberts* 567——Belief as to its being the duty of the overseers to put on the 12 *l.* list persons already on the old list, *ib.* 671–674.

Concurrence in the proposal for incorporating the Chandos 50 *l.* occupiers into the 12 *l.* list; any of the former not officially registered might claim, *Bontems* 1088–1090. 1211, 1212. 1316–1322; *Cave* 2740–2745——Suggestion for dispensing with the list of 12 *l.* occupiers, and for the formation of only one list of owners and occupiers, *Freeman* 1565 ——Advantage of an alphabetical list comprising both owners and occupiers, *ib.* 1587, 1588. 1653——Different steps required in forming the list presented to the revising barrister, *ib.* 1650.

Amendment contemplated so as to obviate the making out of a new list of 12 *l.* occupiers every year, *Trevor* 2513–2516——Confusion created by the new list, made out every year in respect of occupation, being subsidiary to the permanent list; advantages of but one list for owners and occupiers, *Cave* 2649–2652. 2655, 2656——Probable advantage if the lists were kept in strict alphabetical order, *ib.* 2735–2739——Advantage of but one list, *ib.* 2787.

Disapproval of separate lists of the property voters and occupation voters, one alphabetical list or register being sufficient, *Rep.* iv.——The Committee see no reason why one alphabetical register of all the voters in each parish should not be sufficient, the nature of each qualification being stated in a separate column opposite the name of the voter, *ib.*——Inconvenience caused by the number and complication of the lists now made out by the overseers; suggestions for an amended system, *ib.* iv., v.

See also *Copies of Lists. Overseers. Owners. Publication of Lists. Street Lists. Verification of Lists.*

Loss of Qualification. Advantage if persons losing their qualification were to give notice thereof, *Roberts* 784–786——Hardship in the franchise being lost when a person leaves his occupation in one county and enters upon occupation in another; amendment suggested, *ib.* 867–869——Non-objection to persons voting for a limited time after they have parted with their qualifications, *Cave* 2861–2866.——*See* also *Penalties.*

M.

Mortgages. Difficulty in the matter of mortgages, the qualification in which case must be determined by the revising barrister, *Baxter* 348–351——Decreased number of objections in the West Riding in respect of mortgages, *Freeman* 1611, 1612.

N.

New Claims. See *Claims.*

North Riding of Yorkshire. Small cost of printing the register in the North Riding, *Trevor* 2435, 2436——Efficiency of the successive revising barristers, *ib.* 2457, 2458—— Expenditure on the register of about 1,000 *l.* yearly by each political party in the Riding, *ib.* 2479–2481——Rare instances of unqualified persons getting on the register, or trying to get on, *ib.* 2540–2561——Very defective Conservative organisation formerly, as regards registration in the North Riding, *Cave* 2873.

Notices. See *Claims. Objections.*

Report, 1870—*continued.*

O.

OBJECTIONS:

Inexpediency of discouraging objections, by extending the system of costs, as the result would be a great accession of fictitious votes to the register, *Baxter* 8-10. 13, 14. 403-407. 425-430. 434-437——Opinion that a claim having once been proved the *onus probandi* should in future be thrown upon the objector, *ib.* 82, 83——Suggested amendment of the form of notice in the case of persons already on the register, *ib.* 224-226——Advantage of facility of objection as a check upon abuse on the part of overseers, *ib.* 392-400——Liability to fictitious votes under any system, so that the power of objection is essential, *ib.* 401, 402.

Doubt as to much difficulty being experienced in serving notices of objection by post, *Baxter* 457-463——Further consideration of the question, whether there should not be an extension of the system of costs, as a bar to speculative objections, *ib.* 470-479.

Sufficiency of the present facilities for keeping off unqualified persons from the register, *Roberts* 542——Opinion as regards the service of notices that it should be sufficient for objectors to prove that the notices had been posted, *ib.* 636-639——Suggestions on the subject of the grounds of objection being specifically stated, save in the case of new claimants, *ib.* 652, 653. 719-728. 795, 796. 818, 819——Approval of a fine in certain cases of frivolous or fraudulent objection to new claims, *ib.* 758-761.

Approval of the ground of objection being more fully stated, *Bontems* 1049-1051. 1149-1151; *Hurrell* 1423, 1424——Opinion as to the sufficiency of the present check on frivolous objections, *Hurrell* 1350-1353. 1357——Fewer frivolous objections than formerly, *Freeman* 1620-1622——Grounds for disapproving of the proposal that notices of objection shall state specifically the grounds of objection; undue publicity thereby, *ib.* 1675-1678. 1819-1825.

Approval of the present mode of objections, save that the notice should state the column objected to, *Edge* 2000. 2009. 2031-2033——Sufficient facility now given to objections, *Parrott* 2139-2141——Suggestion in regard to the clerk of the peace, or assistant overseers, sending a notice to persons objected to, *Udall* 2321-2325. 2342, 2343——Probable advantage in requiring the notice of objection to state the specific grounds of objection, *ib.* 2326, 2327.

Advantage in the grounds of objection, as well as of claim, being more specifically set forth, *Trevor* 2494-2496. 2521-2525——Consideration of the checks upon improper registration, and of the system of objections; approval of some check upon new claims, in the absence of objections, *Cave* 2687-2706. 2746 *et seq.*——Difficulty in specifying the ground of objection in the case of new claims, *ib.* 2709, 2710——Amendment suggested as regards objections by the overseers, so as to give better notice to those objected to, *Hurrell* 2900-2910.

Opinion of the Committee that in the case of all objections whether by overseers or by persons acting independently the grounds of objection should be stated, and notice given by the objector to the person objected to, *Rep.* iv.——Inexpediency of unnecessary obstacles in the way of objectors whose action tends to the purifying of the register, *ib.* v.

See also *Claims. Costs. Political Organisations.*

Occupiers. Question whether the 50 *l.* occupiers might not be removed from the list, as being included in the 12 *l.* occupiers, *Baxter* 86, 87. 115-117. 388-391——Disapproval of different lists for the 50 *l.* occupiers and the 12 *l.* occupiers, *Roberts* 533, 534——Suggestion that the 50 *l.* occupiers and the 12 *l.* occupiers be placed on the same list; any of the former if omitted should have power to claim, *Bontems* 1088-1090. 1211, 1212. 1316-1322; *Cave* 2740-2745.

Advantage of one list for 12 *l.* and 50 *l.* occupiers, provided extra-parochial places be specially dealt with, *Blaine* 1504, 1505——Numerous class qualified in the West Riding as occupiers of rooms, &c., it being necessary for these to send in claims, *Freeman* 1583-1586——Concurrence of opinion in favour of the 50 *l.* occupiers and 12 *l.* occupiers being in the same list, *Freeman* 1941-1944; *Edge* 2036; *Trevor* 2428-2431——Facility of a self-acting registration of occupiers by means of the overseers, *Cave* 2835-2841.

Statement by the Committee that all, or nearly all, the 50 *l.* occupiers are included in the new list of 12 *l.* voters, and included only to be erased; suggestions hereon for an amended practice in making out the 12 *l.* list, and for correcting it annually, *Rep.* v.

See also *Claims. Lists. Objections.*

Onus Probandi. See *Claims. Objections.*

Out-Voters. Frequency of objection in the case of out-voters as not likely to attend, *Baxter* 471——Inducement at present to objections in the cases of out-voters, *Roberts* 860-863——Hardship to out-voters in requiring them to vote at their own polling places, irrespectively of their residence, *Bontems* 1232, 1233.

Overseers. Great improvement required as regards the registration of 12 *l.* occupiers by the overseers, the latter being in numerous instances unfit for the duty, *Baxter* 7, 8——Unfitness

Report, 1870—*continued.*

Overseers—continued.

Unfitness of the present class of overseers for conducting a self-acting registration, further adverted to, *Baxter* 16. 25, 26. 281. 291, 292——Objection, on several grounds, to the overseers as the persons to make out the lists, *Roberts* 508, 509. 567–575. 681–684.

Dissent from Mr. Baxter's views as to the unfitness of the overseers, *Bontems* 1137–1139. 1239–1242. 1259–1263——Objection to the overseers being empowered to refuse registration unless they had reason to believe there was qualification, *ib.* 1253–1258——Approval generally of the practice of overseers in putting claimants on the list, unless it is beyond a doubt that there is no qualification, *Hurrell* 1339–1349.

Great improvement if the action of the overseers were subject to the review of the clerks to the guardians, the former being frequently very incompetent for registration purposes, *Blaine* 1498–1503. 1545, 1546——Practice of retaining on the register all names put on by the overseers and not objected to, many unqualified persons being thus registered; advantage in such cases of a check by the clerk to the guardians, *ib.* 1540–1546——Incompetency of some overseers for making up the lists, *Freeman* 1553–1556——Failure of a self-acting registration by overseers in parishes or townships where no overseers are appointed, *ib.* 1912–1922.

Objection to the overseer striking names off the list save in the event of death, *Edge* 2034, 2035——The action of the overseers should be subject to the supervision of the clerk of the guardians, clerk of the peace, or some other officer, *Parrott* 2117–2120. 2126—— Unfitness frequently of the overseers for making up the register, in the absence of political agents, *Trevor* 2464–2467——Reluctance of overseers to object to new claims, though not omitting to object on loss of qualification, *Cave* 2754, 2755. 2771–2773——Instances of the lists having been made out by the overseers on wrong forms of paper, *ib.* 2874, 2875.

See also *Assistant Overseers.* *Owners.*

Owners. Numerous instances of unqualified persons getting on the register, the overseers not inquiring into the property qualification; illustration in witness's case, *Baxter* 10. 17–22——Hardship in the case of property owners who have to make a voluntary claim and to attend in proof of such claim, if objected to, *ib.* 11, 12——Suggestion that it be shown by means of a reliable rate-book that owners of property have a *primâ facie* claim, *ib.* 15–17——The owners column in the rate-book is now practically untouched, *ib.* 30. 177, 178——Suggestion as to the beneficial owner as well as the legal owner, together with the residence, being placed in the owner's column of the rate-book, the tenure being inserted in another column, *ib.* 184–194——Further statement as to amendment being chiefly required as regards the owner's column in the rate book, *ib.* 423, 424.

Opinion that owners' should, in every case, claim to be put on the list, *Roberts* 512, 513. 576, 577——Obstacles to any satisfactory registration of owners by union officers; extreme difficulty in finding out the tenure by which the property is held, *ib.* 514–516. 538–541. 685–698——Objection to the revising barrister placing the owners' names on the register from an alphabetical list previously prepared; difficulty where the same owner is qualified in several districts, *ib.* 517–532——Great labour necessary under any plan of self acting registration of owners, more especially in dealing with duplicates, *ib.* 585–597. 685–698——Further objection to a self-acting registration of owners, witness submitting that it is no hardship upon them to require them to claim and to prove their qualifications, *ib.* 685–702.

Obstacles to making the owners' column in the rate book a safe guide for registration purposes; difficulty, even though owners be made liable for half the rates, *Pilcher* 950–952. 986–994. 997–1002——Difficulty of a self-acting registration in the case of property qualifications, *Bontems* 1044–1046; *Cave* 2782. 2835. 2842–2844——Contemplated separate list for owners, *Bontems* 1090–1092.

Grounds for the conclusion that there might be a self-acting registration of owners as well as occupiers by means of the overseers, or of assistant overseers, *Parrott* 2112–2134–2159 *et seq.*——Doubt as to there being much difficulty in overseers in rural parishes knowing whether the qualification is freehold, or copyhold, &c., *ib.* 2188–2210.

Extreme inaccuracy of the owners' column in the rate-book on account of there being no rate collected from owners, *Rep.* iii.

See also *Claims.* *Division of Rates.* *Duplicates.*

P.

Paid Officials. See *Assistant Overseers.* *Poor Rates Assessment Committee* (1868).

Parrott, Joseph. (Analysis of his Evidence.)—Has had much experience as an election agent in Buckinghamshire, 2109–2111——Submits grounds for the conclusion that there might be a self-acting registration of owners as well as occupiers by means of the overseers or assistant overseers, 2112–2134. 2159 *et seq.*——The action of the overseers should be

Report, 1870—*continued.*

Parrott, Joseph. (Analysis of his Evidence)—*continued.*

be subject to the supervision of the clerk of the guardians, clerk of the peace, or some other officer, 2117-2120. 2126.

Contemplated removal of duplicates by the assistant overseer, save that two qualifications might be retained, 2126. 2132-2136. 2172——Sufficient facility now given to objectors, 2139-2141——Doubt whether a statutory declaration in support of claims is on the whole desirable, 2141-2147——Approval of a fixed date after which claims could not be sent in, 2148. 2173-2176——Satisfactory working of the discretion vested in the revising barrister as to costs, 2149-2151.

Sufficient number of revision courts held in Buckinghamshire, 2153——Imperfect state of the register where political organisations are not active; instance of this in witness's county, 2154-2158. 2211-2214. 2233——Expediency of persons claiming if omitted by the overseers, and of new claimants not being required to prove their claims, unless objected to, 2161-2171. 2203-2208. 2215-2217. 2230-2232——Approval of discretion in the revising barrister as to granting appeals, 2223,2224——Hardship in persons taking farms or lands at Michaelmas not being able to vote for two years and a quarter subsequently, 2227, 2228.

Partnerships. Want of a registration of partnerships in the manufacturing districts, *Freeman,* 1700, 1701.

Penalties. Approval of a penalty in the case of voters polling who have parted with their qualifications, *Freeman* 1670-1674; *Trevor* 2508-2512; *Rep.* v ——Persons wilfully making an untrue claim should be liable to a penalty as well as costs, *Trevor* 2455, 2456.

Permanent and Paid Officials. See *Assistant Overseers.*

Personation. Facility to personation if persons might vote at places distant from their residences, *Baxter* 56, 57. 361-365. 422——Means by which personation may be further checked; decrease of the practice, *Pilcher* 895-898. 934, 935——Single instance of personation in witness's experience; approval of summary punishment of this offence, *Trevor* 2448-2450. 2599-2602 ——*See* also *Ballot, The.*

Pilcher, James William. (Analysis of his Evidence.)—Is secretary to the East Kent Liberal Registration Association, 873-875——Great number of duplicates on the register for East Kent, causing much complication and expense, 876-878. 905. 920-922 —— Suggestion that the revising barrister be empowered to strike out duplicate qualifications, and to retain the freehold qualification, 876. 879-881——Evidence in approval of the overseers or assistant overseers, rather than of the clerks to the guardians, as the persons to make out the lists of voters, it being desirable to compel the appointment of assistant overseers in all cases, 882-885. 911-919. 923-931. 943-946. 959-961. 975-985. 994.

Necessity of retaining the revising barristers' courts, 886——Advantage of corrections by the assistant overseers, subject to appeal to the revision courts, 886-888——Suggestion that all new claimants be required to prove their qualifications, 890——Opinion adverse to costs in the case of new claimants, *ib.*——Exceptions taken to the proposal for a statutory declaration, unless very carefully framed, 890-893. 932, 933. 973-974 —— Objection to voters being required to poll at the place nearest their residence, 894—— Means by which personation may be further checked; decrease of the practice, 895-898. 934-935.

Suggested assimilation of the county and borough registration as regards the publication of the lists more especially, 899, 900——Objection to the proposal of Mr. Roberts for facilitating the immedjate registration of persons coming into possession of property after the 20th July, 901-904——Way in which duplicate freeholders on the register may be prevented, 905-909. 971-974——Doubt as to the necessity of the overseers verifying the lists on oath, 936-939——Advantage of the holding a revision court in each polling district, 940-942.

Careful inquiry by the registration agents in East Kent before new claims are objected to, 947-949——Obstacle to making the owners' column in the rate-book a safe guide for registration purposes; difficulty even though owners be made liable for half the rates, 950-952. 986-994. 997-1002——Uselessness in East Kent of retaining the 50 *l.* qualification, 953-955——Total of about 300 *l.* a year on each side as the expense of political parties for registration in East Kent, 956-958. 969, 970——Power of the justices to appoint at which of the polling places the revising barristers shall sit, 995, 996.

Political Organisations. Absolute necessity of political organisations for the protection of the register under the present law, *Baxter* 9, 10. 23. 139——Advantage of the appointment of an assistant overseer, as tending to obviate the necessity of political orgaisations, *ib.* 41, 42——Expediency of an improved system of official registration in order to obviate the interference of registration societies, *Roberts* 762-767.

Beneficial action of registration societies in correcting the register, *Hurrell* 1340. 1353-1355. 1358. 1390-1399. 1408, 1409. 1485, 1486; *Blaine* 1522-1535; *Freeman* 1579. 1702-1707.

Report, 1870—*continued.*

Political Organisations—continued.

1702-1707. 1833; *Udall* 2246-2251. 2346. 2359-2365——Instance of improper claims by a registration agent, *Freeman* 1580-1582——Doubt as to the expenses incurred by registration societies being onerous; moderate expenditure in Yorkshire, *ib.* 1663, 1664. 1745-1751——Improper claims placed on the register if undue facilities are given, without check by registration societies, *ib.* 1866-1869.

Imperfect state of the register where political organisatons are not active; instance of this in witness's county, *Parrott* 2154-2158. 2211-2214. 2233——Evidence as to the importance of registration societies, and as to the difficulty, otherwise of obtaining a pure register by means of the overseers or assistant overseers, *Trevor* 2603. 2608-2623——Very imperfect state of the register but for political organisations, *Cave* 2777-2779. 2845, 2846——Improper claims originate chiefly with the registration societies, *ib.* 2687.

Increased number of unqualified persons on the register, but for the action of party registration societies, *Rep.* iv.

See also *Ballot, The.*

Polling. Improvement in every voter qualified in more districts than one were registered to vote in the district nearest his residence, *Baxter* 56, 57. 108-110. 122-138. 361-365. 422. 440-443——Facility to personation, if persons might poll in districts far away from their residences, *ib.* 56, 57. 361-365. 422——Concurrence of opinion in favour of voters being required to poll in the polling district in which they reside, *Roberts* 664-667; *Edge* 2039, 2040; *Cave* 2653, 2654.

Objection to voters being required to poll at the place nearest their residence, *Pilcher* 894——Consideration of the question of voters polling in the district nearest their residence, so as to check personation; discretion desirable in the case of non-resident voters, *Freeman* 1632-1636. 1696-1698. 1731-1738. 1797-1808——It should be compulsory for a man to vote as near as possible to his place of residence, *Edge* 2039, 2040——Opinion that voters with different quallifications should have a choice of polling places, *Udall* 2329, 2330.

Opinion of the Committee, that the present optional provision for transferring voters resident in the county, to poll at the polling district of their residence, should be made compulsory, *Rep.* vi.——Also, that every voter resident in the county, whose place of abode shall not be within the polling district of his qualification, should be transferred by the revising barrister to vote at the polling district of his abode, *ib.*

Poor Rates' Assessment Committee of 1868. Circumstance of the Poor Rates' Assessment Committee of 1868 having recommended the appointment of paid officials as a means of obtaining a correct valuation roll for rating purposes, *Baxter* 493.

Post Office. Approval of postmasters supplying information to registrars as to the removal of voters, *Roberts* 661. 820-822——Exception taken to the proposal in regard to postmasters supplying information as to change of residence, &c., *Bontems* 1105. 1123.

Preliminary Inquiry. Advantage of a primary testing inquiry adverted to as a means of relieving the voter from attendance at the revising barrister's court, *Baxter* 417——Saving of much trouble by empowering the registering officer to decide claims and objections, subject to appeal to the revising barrister, *Roberts* 598. 613-616——Improvement if the registering officer were to publish a corrected register of his own, so as to facilitate subsequent investigation, *ib.* 768-771——Approval of corrections by the assistant overseers, subject to appeal, *Pilcher* 886-888——Advantage of the appointment of an officer for correcting the register before it goes to the revising barrister, *Bontems* 1016, 1017. 1047, 1048——Extent to which claims and objections should be dealt with by a permanent registration officer, with a view to saving proceedings before the revising barrister, *ib.* 1093-1098. 1120-1124. 1201-1208. 1266-1271. 1278-1282.

Disapproval of preliminary inquiries by registration officers before persons are put on the list, *Hurrell* 1359-1361. 1417-1422——Objection to preliminary courts being held by the clerks to the guardians, *Blaine* 1503——Disapproval of the assistant overseers or clerk to the guardians holding a preliminary registration court and making corrections, subject to appeal, *Freeman* 1644, 1645. 1708-1721. 1752-1790. 1870-1880; *Cave* 2756-2764——Objection to any preliminary court of inquiry or revision, *Edge* 1973, 1974.

Printing. Illustration of the heavy expense of printing through the county revision in 1868, *Roberts* 574——Great and wasteful expense in printing in connection with the county registration; suggestion for the correction of this evil, *Bontems* 1074-1092; *Hurrell* 1332, 1333. 2910-2912——Varying practice as to the printing of separate lists annually in the case of 12 *l.* occupiers; amendment suggested in this matter, *Bontems* 1308-1322——Labour and expense in preparing and publishing the 12 *l.* occupiers list every year, as required by the Act, *Cave* 2788.

Proof of Qualification. There should be proof of qualification by all owners, *Bontems* 1112, 1113——Advantage of necessary proof of claim before the revising barrister as tending to keep the register pure, *Edge* 2100-2105.

See also *Claims.* *Owners.* *Rate-book.*

Property Tax Assessor. Objection to the property tax assessor as the official to make out the valuation list, *Baxter* 334-337. 445-452.

Publication of Lists. Expediency of the overseers being required duly to publish the lists, there being much neglect on this score, *Bontems* 1176-1179. 1426——Instances of overseers omitting to publish the lists in the way directed by Parliament, *Hurrell* 1436-1440.

R.

Rate-book. Suggestion that the rate-book be conclusive evidence of qualification in the case of 12 *l.* occupiers; power at present to dispute the rate-book in the revision courts, *Bontems* 1109, 1110. 1196-1200. 1291-1304——Concurrence in the opinion that a rating of 12 *l.* in the rate-book should be conclusive evidence of qualification, *Trevor* 2517, 2518——Statement as to a 12 *l.* rating in the rate-book not being necessarily deemed conclusive evidence of qualification, *Cave* 2791-2797.

See also *Assistant Overseers.* *Clerks to the Guardians.* *Occupiers.* *Overseers.* *Owners.*

Re-claims. Contemplated publication of re-claims, as well as of new claims, *Edge* 2106, 2107.

Registering Officials. See *Assessment Committees.* *Assistant Overseers.* *Clerks to the Guardians.* *Overseers.*

Registers of Property. Facility to registration of owners, if there were a proper register of landed property, *Baxter* 179——Doubt as to the registers of property in the counties of York and Middlesex being of much use in facilitating the registration of owners for the franchise, *Roberts* 787-792——Great facility as regards, in the West Riding, on account of the system of registering property; particulars hereon, *Freeman* 1612. 1665-1669.

Registration Bill. Circumstance of witness having once prepared a Registration Bill; he approves of certain clauses in the Bill of Mr. Dodds, some of the suggestions by the latter being similar to those made by himself, *Edge* 2037-2040. 2074-2089

Registration Societies. See *Political Organisations.*

Rent-Charges. Difficulty as to objections in the case of rent-charges granted for conferring the franchise, *Trevor* 2639-2643.

Revising Barristers and Revision Courts:

1. *As to the Appointment of Revising Barristers.*
2. *As to their Number and Remuneration.*
3. *As to their possessing enlarged powers of Amendment.*
4. *Proposed Rules for their Guidance.*
5. *Proposed power to compel the attendance of Witnesses.*
6. *Proposed power to enforce order in the Courts.*
7. *Expediency of retaining the present Courts.*
8. *As to the Law and Practice in regard to the holding of a Court at each Polling Place.*
9. *As to the time of holding the Courts.*
10. *As to the provision of Rooms or Courts.*

1. *As to the Appointment of Revising Barristers:*

Frequent unfitness of the revising barristers, whose appointment often goes by favour, *Baxter* 480, 481——Suggested appointment of the revising barristers by the Court of Common Pleas, *Roberts* 566. 601, 602. 651. 748. 754—— Advantage of some different mode of appointment of the revising barristers, *Bontems* 1160-1163.

Doubt as to any improvement in transferring the appointment of revising barristers to the Court of Common Pleas, *Hurrell* 1400-1407——Advantage if the revising barristers were appointed in the spring circuit, *Udall* 2290-2292; *Cave* 2765. 2885, 2886—— Objection to the revising barristers being appointed by the Court of Common Pleas, *Trevor* 2459-2461; *Cave* 2726, 2727.

Improvement if the revising barristers were appointed in the spring circuit instead of the summer circuit; *Rep.* vi.——Opinion that revising barristers should be of not less than five years' standing, *ib.*

Report, 1870—*continued.*

Revising Barristers and Revision Courts—continued.

2. *As to their Number and Remuneration:*

Question as to there being any room for economy in the payment or the number of revising barristers, *Hurrell* 1410–1412——The fee is 200 guineas, and the barrister pays all expenses, *ib.* 1410——Suggestion for the appointment of two more revising barristers on the Home Circuit, so that there may be one for each of the 12 revision districts within the circuit, *ib.* 2913, 2914.

3. *As to their possessing Enlarged Powers of Amendment:*

Approval of the revising barrister having certain power to amend mis-description of qualification, though it is not desirable to give unlimited power of amendment, *Baxter* 241–251——Suggestions as to the increased power desirable to be given to the revising barristers to correct notices and claims, and to amend the register, *Roberts* 561, 562. 579–582. 610. 731–734. 774–776——Advantage of power in the revising barrister to correct mistakes and to supply omissions, *Bontems* 1049. 1055–1058. 1164–1166. 1272, 1273; *Hurrell* 1429–1431. 1448–1453; *Blaine* 1510–1516.

Approval of increased power of amendment in revising barristers, so long as a new qualification is not introduced, *Freeman* 1610. 1681–1684——Approval of power in the revising barrister to amend claims, *Edge* 1982. 2077——Suggestion for largely increasing the power of the revising barrister as to amendments, *Udall* 2240, 2241. 2288, 2289. 2397, 2398——Wide discretion desirable in the revising barrister as to the evidence admissible in proof of claims, *ib.* 2242, 2243——Statement in favour of the revising barrister being empowered to amend notices of objections as well as notices of claims, *Udall* 2413–2417; *Trevor* 2562–2584.

Approval of enlarged powers of amendment in the revising barristers as regards claims, with a view to persons being registered if they can prove a substantial qualification, *Trevor* 2462, 2463. 2525 *et seq.*; *Cave* 2665–2678——Tendency of revising barristers to amend formal errors in the matter of claims, larger powers in this direction being desirable, *Cave* 2876–2883——Advantage of power in the revising barrister to makecertain corrections before the printing of the list, *Hurrell* 2898.

Approval by the Committee of an enlargement of the powers of amendment and alteration by revising barristers, *Rep.* v.

4. *Proposed Rules for their guidance:*

Advantage if rules were laid down for the guidance of the revising barristers, *Baxter* 481–487; *Cave* 2714——Opinion that rules for the revising barristers may better be framed by a committee of the revisers than by the Court of Common Pleas, *Udall* 2260–2262.

In order to secure greater uniformity of action a controlling authority over the body of revising barristers should be given to the Court of Common Pleas, by whom rules for their guidance should be framed, *Rep.* vi.

5. *Proposed power to Compel the Attendance of Witnesses:*

Advantage of power in the revising barrister to compel the attendance of witnesses, *Roberts* 606–609. 749–753; *Hurrell* 1448–1450; *Trevor* 2488–2493. 2604.

6. *Proposed power to enforce Order in the Courts:*

Expediency of full power in the revising barristers to maintain order in their courts, *Hurrell* 1379, 1380. 1453.

7. *Expediency of retaining the present Courts:*

Concurrence of opinion as to the expediency of the revising barristers' court being still retained, *Baxter* 63, 64; *Roberts* 503; *Pilcher* 886; *Edge* 1972, 1973—— Economy in litigation by retaining the present court, *Baxter* 418, 419.

8. *As to the Law and Practice in regard to the holding of a Court at each Polling Place:*

Evidence opposed to the clause in Mr. Dodd's Bill requiring the revising barristers to hold a court in every polling district, *Baxter* 300–322. 431–433——Approval of some check upon the revising barristers' not holding a sufficient number of courts, *ib.* 431, 432. 438, 439. 464–469——Power of the justices to appoint at what polling places the courts shall sit, *ib.* 438, 439; *Pilcher* 995, 996.

Approval of the proposal for holding a revising court at each polling place, *Roberts* 603–605. 657–660. 716–718. 826–832——Concurrence in the suggestion for holding a revision court in each polling place, *Pilcher* 940–942; *Bontems* 1070–1073; *Edge* 2043. 2087–2089——Practice of witness as to holding a court in each polling district; suggestions on this point, *Hurrell* 1382. 1446*, 1447.* 1459–1470. 1478, 1479——Explanation of witness's practice, and of the law, in regard to the holding of courts in different parishes or districts, *Blaine* 1536–1539.

Report, 1870—*continued.*

Revising Barristers and Revision Courts—continued.

8. *As to the Law and Practice in regard to the holding of a Court, &c.*—continued.

Practice in the West Riding as to the holding of courts in the several revision districts, but not at each polling place: state of the law on this point, *Freeman* 1596–1609—— Grounds for objecting to the holding of a revision court at each polling place: explanation as to the regulations on this subject, some amendment being desirable, *ib.* 1695, 1896–1911—— Examination as to the state of the law, and as to the practice, in regard to the places at which revision courts are held: question more especially as to the revising barrister being required to hold a court in every polling place, *Udall* 2310–2320. 2328. 2358. 2366–2396——Approval of a revision court in every polling district, as well as of a considerable extension of polling places, *Trevor* 2440–2447. 2482–2487. 2633–2635.

Approval of the present regulations as to the places where revision courts are held, *Cave* 2720–2723—— Explanation as to the law and practice on the subject of the appointment of places for holding revision courts: approval of the matter resting with the court of quarter sessions, *ib.* 2798–2825——Explanation of the state of the law on the subject of the selection of places for holding revision courts: *Hurrell* 2891–2896——Statement to the effect that the revising barrister is compelled by law to hold a court at every polling place, *ib.* 2891.

Opinion of the Committee that the revising barrister should hold a revision court at each polling place, unless the justices in quarter sessions should otherwise direct, *Rep.* vi.

9. *As to the Time of holding the Courts:*

Approval of the time of holding the revising barristers' courts, *Roberts* 560——Contemplated appeal to the Court of Common Pleas as regards the time fixed for the revision in any place, *ib.* 633–635. 713–716—— Due notice given by witness before holding his courts, *Hurrell* 1471–1474.

10. *As to the provision of Rooms or Courts:*

It should not be left to the revising barrister to find his own court, *Udall* 2310. 2315. 2325——Convenience, if the courts or rooms for revision purposes were provided by the county, the expense being trifling, *Cave* 2887, 2888——Practice as to the rooms at which witness's courts are held: difficulty at times, *Hurrell* 2898, 2899.

See also *Appeal. Costs. Duplicates.*

Roberts, Thomas Nicholls. (Analysis of his Evidence.)—Is secretary to the Liberal Registration Society; has had a lengthened experience in the matter of registration, 494–497—— Want of a consolidation of the registration laws, 498. 565, 566——Enlarged facilities suggested as to the time up to which persons might claim to come upon the register, increased facilities being also given to objectors in such cases, 499–507——Necessity of retaining the revising barristers' courts, 503.

Objection, on several grounds, to the overseers as the persons to make out the lists, 508, 509, 567–575. 681–684—— Suggestions that the occupiers be put on the lists by the clerks of the unions, 510, 511. 567–575——Opinion that owners should in every case claim to be put on the list, 512, 513. 576, 577——Obstacles to any satisfactory registration of owners by union officers; extreme difficulty in finding out the tenure by which the property is held, 514–516. 538–541. 685–698.

Objection to the revising barrister placing the owners' names on the register from an alphabetical list previously prepared; difficulty where the same owner is qualified in several districts, 517–532——Disapproval of different lists for the 50 *l.* occupiers and the 12 *l.* occupiers, 533, 534—— Suggestion as to the best means of preventing duplication of owners' names on the register, 536–539—— Sufficiency of the present facilities for keeping off unqualified persons from the register, 542.

Evidence in detail on the subject of costs, witness considering that costs should follow the event, that discretion should be left to the revising barrister as to the amount, and that there should be no costs in the case of objections to new claims, 543–555. 599, 600. 611, 612, 630–632. 729. 730. 756–758. 781–783.

Expediency of strict proof of qualification in the case of persons claiming after the day fixed in the Act, 548–555—— Frequency of fictitious votes on the register under the present system: illustration of this in East Cheshire, 556–559. 706–708——Approval of the time of holding the revising barristers' court, 560—— Suggestions as to the increased power desirable to be given to the revising barristers to correct notices and claims, and to amend the register, 561, 562. 579–582. 610. 731–734. 774–776.

Approval of a right of appeal from the decision of the revising barrister, 563, 564, 650. 755. 823–825——Suggested appointment of the revising barristers by the Court of Common Pleas, 566. 601, 602. 651. 748. 754——Advantage of all those qualified as owners or occupiers being included in one list, and of all new claims being included in the new list, instead of there being, as at present, five lists to be dealt with by the revising barrister, 567——Further statement in favour of the clerk to the guardians as to the person

to

Report, 1870—*continued.*

Roberts, Thomas Nicholls. (Analysis of his Evidence)—*continued.*

to make a preliminary revision, and to do the work now done by the overseer, 568-576. 617-621. 677-680——Illustration of the heavy expense of printing through the county revision in 1868; 574.

Necessity of assistant overseers if the owners are to be officially registered without claiming, 575, 576. 583, 584——Great labour necessary under any plan of self-acting registration of owners, more especially in dealing with duplicates, 585-597. 685-698——Saving of much trouble by empowering the registering officer to decide claims and objections, subject to appeal to the revising barrister, 598. 613-616.

Approval of the proposal for holding a revising court at each polling place, 603-605. 657-660. 716-718. 826-832——Advantage of power in the revising barrister to compel the attendance of witnesses, 606-609. 749-753——Objection to the action of assistant overseers on account of the expense involved; practice as to registration payments to overseers adverted to hereon, 617, 618. 622-627. 711, 712. 814-817——Suggestion that where the same person is qualified as an occupier and as a freeholder, the former qualification should be struck out, 628, 629.

Contemplated appeal to the Court of Common Pleas as regards the time fixed for the revision in any place, 633-635. 713-716——Opinion as regards the service of notices that it should be sufficient for objectors to prove that the notices had been posted, 636-639——Approval, for county registration, of several of the recommendations of Mr. Harcourt's Committee relative to borough registration, 640-652.

Great improvement by adopting street lists in certain cases, 649. 654-656. 793, 794——Suggestions on the subject of the grounds of objection being specifically stated, save in the case of new claimants, 652, 653. 719-728. 795, 796. 818, 819——Approval of postmasters supplying information to registrars as to the removal of voters, 661. 820-822——Improvement, if the days for the various stages of the revision were identical in counties and boroughs, 662, 663.

Opinion in favour of voters being required to poll in the polling district in which they reside, 664-667——Vast number of duplicates on the existing register, 668-670——Relief as to its being the duty of the overseers to put on the 12 *l.* list persons already on the old list, 671-674——Statement in further explanation and support of the proposal that facilities be given to persons to register at any time, or up to the day of holding the revision court, 675, 676. 710. 797-813. 833.

Further objection to a self-acting registration of owners, witness submitting that it is no hardship upon them to require them to claim and to prove their qualifications, 685-702——Evidence in favour of a statutory declaration, as sufficient proof of qualification, under certain conditions, 703-709. 777-780. 834-839. 857-859. 864-866. 870-872——Approval of the proposal that persons may obtain copies of the lists on application by post and on payment of a fee, 735-738.

Concurrence in the suggestion that overseers be required to verify the lists of voters, 739-745——Advantage of facilities for an inspection of the lists, 746, 747——Approval of a fine in certain cases of frivolous or fraudulent objection to new claims, 758-761——Expediency of an improved system of official registration in order to obviate the interference of registration societies, 762-767.

Improvement if the registering officer were to publish a corrected register of his own, so as to facilitate subsequent investigation, 768-771——Approval of some further information being supplied as to qualification by new claimants, 772, 773. 777-780——Advantage if persons losing their qualification were to give notice thereof, 784-786——Doubt as to the registers of property in the counties of York and Middlesex being of much use in facilitating the registration of owners for the franchise, 787-792.

Question of costs further considered with reference more especially to the course desirable when persons at a distance are objected to, 840-859——Inducement at present to objections in the case of out-voters, 860-863——Hardship in the franchise being lost when a person leaves his occupation in one county and enters upon occupation in another; amendment suggested, 867-869.

S.

Scotland. Admirable system of registration in Scotland by mean of the Valuation for assessment purposes, *Baxter* 27-29. 152-155. 170.

Sundry details in connection with the system of assessment and of county registration in Scotland, the same working exceedingly well; obstacles to an assimilation of the English system to that in Scotland, *Sir Edward Colebrooke* 2915 *et seq.*

Self-Acting Registration. See *Assessment Committees. Assistant Overseers. Clerk to the Guardians. Overseers. Owners.*

Statutory Declaration. Grounds for disapproving of a statutory declaration as evidence of qualification, *Baxter* 24. 215-223; *Freeman* 1613. 1617-1619. 1659-1662. 1725-1729. 1742-1744. 1809-1818. 1935. 1945-1948; *Cave* 2683-2686——Evidence in favour of a

Report, 1870—*continued.*

Statutory Declaration—continued.

statutory declaration, as sufficient proof of qualification, under certain conditions, *Roberts* 703-709. 777-780. 834-839. 857-859. 864-866. 870-872——Exceptions taken to the proposal for a statutory declaration, unless very carefully framed, *Pilcher* 890-893. 932, 933. 973, 974——Approval of a statutory declaration by new claimants; improbability of much inaccuracy in this respect, *Bontems* 1020-1024. 1185-1188. 1190-1192. 1214-1216. 1224.

Check necessary in connection with a power to claim by statutory declaration, *Hurrell* 1364-1366. 1383-1385——Decided approval of a statutory declaration to be annexed to the claim, *Blaine* 1523-1529——Use now made of the power of statutory declaration given by the Act of 1865, *Freeman* 1699——Grounds for objecting to a statutory declaration in the case of new claimants, *Edge* 1983-1990——Suggestions on the subject of a statutory declaration as an answer to objections made within a certain time after claims have been established, *ib.* 2025-2030.

Doubt whether a statutory declaration in support of claims is on the whole desirable, *Parrott* 2141-2147——Conditions under which persons objected to might be allowed to make a statutory declaration as to their qualification, *Udall* 2275-2283.

Street Lists. Great improvement by adopting street lists in certain cases, *Roberts* 649. 654-656. 793, 794——Doubt as to the advantage of street lists for county registration, *Bontems* 1099-1104.

T.

Trevor, Thomas Tudor. (Analysis of his Evidence.)—As deputy clerk of the peace, and in other capacities, has had considerable experience of the working of the registration acts in the north riding of Yorkshire, 2420-2425—— Duties of the clerk of the peace in connection with the register; very short time allowed between the revision and the printing of the register, 2426, 2427——Improvement, if the 12 *l.* occupiers were printed in the same list with the other voters, 2428-2431——Opinion that but little evil arises from duplicate entries, and but little expense in printing; witness, in fact, would retain duplicate qualifications on the register, 2432-2439. 2595-2598.

Approval of a revision court in every polling district, as well as of a considerable extension of polling places, 2440-2447. 2482-2487. 2633-2635——Single instance of personation, in witness's experience; approval of summary punishment of this offence, 2448-2450. 2599-2602——Opinion that new claims should be more specific, 2451—— Conclusion that new claimants should be entitled to costs if the objections fail, 2451-2454. 2519, 2520. 2527-2539——Approval of costs against persons sending in unfounded claims, 2455, 2456.

Efficiency of the successive revising barristers in the North Riding, 2457, 2458——Objection to the revising barristers being appointed by the Court of Common Pleas, 2459-2461——Approval of enlarged powers of amendment in the revising barristers as regards claims, with a view to persons being registered, if they can prove a substantial qualification, 2462, 2463. 2525 *et seq.*—— Unfitness frequently of the overseers for making up the register, in the absence of political agents, 2464-2467——Disapproval of the clerks to the guardians as registering officials, 2468-2472——Public objection to any payment out of the rates to the overseers for registration duties, 2470. 2607——Advantage in the list being made up by assistant overseers, 2473-2478.

Expenditure on the register of about 1,000 *l.* yearly by each political party in the North Riding, 2479-2481——Approval of facilities for compelling the attendance of witnesses in the revision courts, 2488-2493. 2604——Advantage in the grounds of objection, as well as of claim, being more specifically set forth, 2494-2496. 2521-2525 ——Sufficiency of power to award costs up to 5 *l.*, 2497, 2498——Doubt as to any advantage in requiring the overseers to verify the lists on oath, 2499-2504.

Opinion that revising barristers should be required to grant an appeal, subject to some security for costs, 2505-2507——Approval of a penalty on persons voting without qualification, 2508-2512——Amendment contemplated so as to obviate the making out of a new list of 12 *l.* occupiers every year, 2513-2516——Opinion that a rating of 12 *l.* in the rate-book should be conclusive evidence of qualification, 2517, 2518.

Rare instances in the North Riding of unqualified persons getting on the register, or trying to get on, 2540-2561——Statement in favour of the revising barrister being empowered to amend notices of objections as well as notices of claims, 2562-2584—— Obstacle on the score of time and cost to an index of the register as far as the qualifications are concerned, 2585-2593——Contemplated discretion in the revising barrister as to the allowance of costs when claims are altered, 2594.

Further evidence as to the importance of registration societies, and as to the difficulty, otherwise, of obtaining a pure register by means of the overseers or assistant overseers, 2603. 2608-2623——Approval of the overseers being bound to supply copies of the lists to any person applying for them, 2605—— Question as to the mode of dealing with

Report, 1870—*continued.*

Trevor, Thomas Tudor. (Analysis of his Evidence)—*continued.*

costs in the case of persons put on the register through claims made by others, 2624–2632——Difficulty as to objections in the case of rent-charges granted for conferring the franchise, 2639–2643.

U.

Udall, Henry. (Analysis of his Evidence.)—Has acted as revising barrister in North and South Durham, and in South West Lancashire; has paid much attention to the registration laws, 2235–2239——Suggestion for largely increasing the power of the revising barrister as to amendments, 2240, 2241. 2288, 2289. 2397, 2398——Wide discretion desirable in the revising barrister as to the evidence admissible in proof of claims, 2242, 2243——Objection to new claimants being required to prove their qualification, unless objected to, 2244–2252. 2284. 2407–2412.

Advantage of political organisations as a check upon abuse, 2246–2251. 2346. 2359–2365——Suggestion that there be a right of appeal from the revising barrister, subject to a small deposit as security against frivolous appeals, 2253–2257——Twofold appeal suggested in certain cases, 2258, 2259, 2418——Opinion that rules for the revising barristers may better be framed by a committee of the revisers than by the Court of Common Pleas, 2260–2262.

Suggestions on the subject of costs, and the amount to be awarded under different circumstances; objection to costs following the event in all cases, 2263–2274. 2285–2287. 2347–2357. 2399–2403—— Conditions under which persons objected to might be allowed to make a statutory declaration as to their qualification, 2275–2283 —— Proposed assimilation of the time of registration in counties and in boroughs, 2290——Advantage if the revising barristers were appointed in the Spring circuit, 2290–2292.

Recommended alteration in the dates for sending in claims and objections, 2293, 2294 —— Difficulty likely to arise if duplicate qualifications are prevented; it being, on the other hand, a great convenience to retain but one qualification, 2295. 2332–2341—— Approval of the general appointment of assistant overseers, who, instead of the overseers, should make up the lists for revision, 2296–2308. 2344, 2345.

Expediency of its being made clear that an equitable interest with regard to leasehold confers a vote, 2309—— Improvement if the revising barrister had not to find his own court, 2310. 2315. 2325——Examination as to the state of the law, and as to the practice, in regard to the places at which revision courts are held; question more especially as to the revising barrister being required to hold a court in every polling-place, 2310–2320. 2328. 2358. 2366–2396——Suggestion in regard to the clerk of the peace, or assistant overseer, sending a notice of objection to persons objected to, 2321–2325. 2342, 2343.

Probable advantage in requiring the notice of objection to state the specific grounds of objection, 2326, 2327——Opinion that voters with different qualifications should have a choice of polling places, 2329, 2330——Advantage of a consolidation of the registration laws, 2331——Anticipated action of political agents equally under the ballot as at present, 2360–2365——Doubt as to the expediency of requiring the qualification in the third column to be stated with greater particularity, 2399–2406——Approval of power of amendment of objections as well as of claims, 2413–2417.

Unqualified Voters. Approval of a penalty on persons voting without qualification, *Freeman* 1670–1674. *Trevor* 2508–2512.

Opinion of the Committee that wilfully voting in respect of a qualification which no longer belongs to the voter, should be constituted an offence punishable by summary conviction before two magistrates, *Rep.* v.

V.

Valuation Lists. Diminution of the work of the revising barristers, if there were a proper system of valuation, in connection with a more complete rate-book, *Baxter* 112–114—— Improvement if the valuation lists were required to be made up and revised up to a certain date, *ib.* 338–341——Advantages of a house-to-house inquiry by the valuation officer, as greatly facilitating the correction of the list, *ib.* 342–347. 366–370——Power of assessment committees to appoint a valuer, there being, however, no certainty in such appointment, *ib.* 482, 483. 487–489.

See also *Assessment Committees. Scotland.*

Verification of Lists. Reasons for objecting to the provision in Mr. Dodds' Bill that the overseer shall make oath as to the accuracy of the list, *Baxter* 272–292—— Concurrence in the suggestion that overseers be required to verify the lists of voters, *Roberts* 739–745; *Edge* 2081–2085——Doubt as to any advantage in requiring the overseers to verify the lists on oath, *Pilcher* 936–939; *Trevor* 2499–2504.

Report, 1870—*continued.*

Verification of Lists—continued.

Probable advantage in requiring the overseers to verify the lists on oath, *Bontems* 1171–1175——Non-objection to overseers being required to make a statutory declaration as to the correctness of the lists, *Hurrell* 1441–1446——Exception taken to the proposal that the overseers shall verify the lists on oath, *Freeman* 1690–1693. 1837–1850; *Cave* 2715–2718.

W.

West Riding. General appointment of assistant overseers in townships in the West Riding; amount of supervision exercised over them by the clerk to the assessment committee, *Freeman* 1757–1790——Statement in connection with the large number of objections in the south division of the West Riding in 1868; reduced number in 1869, *Cave* 2688–2693.

Withdrawal of Objections. Withdrawal of a large number of objections on each side, so that the number coming before the visiting barrister is reduced to a minimum, *Baxter* 207. 282——Advantage of a power of withdrawing objection, such withdrawal being now illegal, *Freeman* 1625–1627; *Cave* 2694–2696. 2827–2829. 2867–2872.

Recommendation by the Committee that power of withdrawal should exist, upon due notice to the voter objected to being given by the objector, *Rep.* v.

INDEX

TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF VOTERS IN COUNTIES (ENGLAND AND WALES).

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1870.

360.

Under 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

REFORM CLUB
PALL MALL

SALMON FISHERIES;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
20 *July* 1870.

368.

Thursday, 17*th February* 1870.

Ordered, THAT a Select Committee be appointed to inquire into the present State of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what Amendments are required therein.

Friday, 25*th February* 1870.

Committee nominated of—

Mr. Knatchbull-Hugessen.	Colonel Edwardes.
Mr. Liddell.	Mr. Knight.
Mr. Pease.	Mr. Herbert.
Earl Percy.	Mr. Hambro.
Mr. Evan Richards.	Colonel Amcotts.
Mr. Staveley Hill.	Mr. William Lowther.
Mr. Whitwell.	Mr. Dodds.
Mr. Assheton.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 28*th February* 1870.

Ordered, THAT the Minutes of the Evidence taken before the Select Committee on Salmon Fisheries in Session 1869, be referred to the Select Committee on Salmon Fisheries.

Wednesday, 20*th July* 1870.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. vii
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - p. 296
INDEX - - - - - - - - - - - - - - p. 317

REPORT.

THE SELECT COMMITTEE appointed to inquire into the present State of the LAWS affecting the SALMON FISHERIES of *England* and *Wales*, and to report whether any and what Amendments are required therein;—— HAVE considered the matters to them referred, and have agreed to the following REPORT:—

1. THERE can be no doubt that the value of these fisheries had, from a variety of causes, deteriorated, and that the attempts to improve that value by recent legislation have only been partially successful. The principal causes of deterioration have been found in the many obstructions to the passage of the fish which from time to time have been created, in the use of fixed engines for the destruction of the fish, and in the pollution of rivers. With the latter point your Committee have not concerned themselves, inasmuch as a Special Commission is inquiring into the subject, whose recommendations cannot but assist the fisheries in proportion as they tend to the purification of the water.

2. With regard to fixed engines, Special Commissioners were appointed under the Act 28 & 29 Vict. c. 121, to whom was entrusted the duty of inquiring into the legality of all fixed engines erected or used for the purpose of catching salmon, with power to abate and remove all such as were not proved to their satisfaction to be legal. The Commissioners were also empowered to inquire into the legality of all fishing weirs and fishing mill-dams, with a view to the removal or alteration of such as were illegal, and the requiring a free gap to be made, or a fish-pass to be attached, according to the circumstances of the case.

3. No power was, however, conferred upon the Commissioners by the Act to try the legality of fixed engines belonging to the Crown, which, in the opinion of your Committee, should not have been excepted from the general legislation.

4. No power is vested either in the Special Commissioners, or in any other body, to remove or diminish the evil effect upon fisheries arising from ordinary mill-dams, weirs, and other obstructions to the passage of fish. The neglect of their property in fisheries by riparian owners and others, during a long series of years, and the contemporaneous creation of property in mill-dams and weirs on almost every river in the country have greatly complicated the matter, and rendered legislation difficult. For, if, on the one hand, it is unjust that the owner of a mill-dam should, by obstructing the passage of fish to their spawning beds, or by the use of the facilities for catching fish which he possesses, injure or destroy the property of those upper riparian owners, upon whose care and preservation of the spawning ground must depend the supply of fish and the very existence of the fisheries; it may be urged, on the other hand, that rights long neglected practically cease to be rights, in the strict sense of the word, and that property which has been created without protest, and has been suffered to exist for many years without disturbance, cannot rightly be subjected to interference on account of the resuscitation of interest in their fishery rights on the part of those who have so long neglected to use or enforce such rights.

5. Having regard, however, to the importance, in a national point of view, of the improvement and development of our fisheries, your Committee are of opinion that it is absolutely necessary that greater powers should exist for the removal of obstructions to the passage of fish. The weight of evidence appears

to incline to the view that, in the great majority of cases, facilities may be afforded for the passage of the fish without injury to the existing milling interest. Your Committee, however, are satisfied that the application to every dam or weir of a uniform system of fish-pass is impracticable.

6. The existing Salmon Fisheries Acts confer jurisdiction upon the Home Office in fishery matters; but it is worthy of consideration whether it would not be better that jurisdiction in fishery matters should be transferred to the Board of Trade until, at least, the fisheries of the country are thought to be sufficiently developed to justify the establishment of a separate fishery department.

7. Meanwhile, the continuance of the Special Commissioners is for the present necessary, and the manner in which they have hitherto discharged their duties gives good hope that their appointment will have materially aided the improvement of the fisheries. The duties of the Special Commissioners and of the inspectors appear to be essentially distinct, for while it appertains to the former to decide upon the legality of existing fishing weirs and fishing mill-dams, and to direct the making of a free gap or the application of a fish-pass, to the latter, among various other duties, is entrusted, under the direction of the Home Office, the decision as to the nature and character of the fish-pass applicable to each particular case, and the superintendence of the application thereof. Additional power should, in the opinion of your Committee, be given to the Special Commissioners to inquire into the legality of all other obstructions to the passage of fish. It is, however, desirable that this extension of power should be confined to cases in which boards of conservators make formal application to the central authority, subject to one of the Departments of Government, for the interference of the Commissioners, upon the ground that such obstructions are illegal and injurious to the fisheries of their district.

8. Whether under the control of the Home Office, Board of Trade, or any other Department, the fishery laws decidedly require amendment in many particulars; and it is desirable that in any alteration of the said laws it should be provided that all matters appertaining to the regulation and management of the salmon fisheries of England and Wales should be placed under a recognised central authority, subject and responsible to one of the Departments of the Government. To this central authority should be given full powers to constitute, alter, unite, divide, and dissolve fishery districts. Upon the application of boards of conservators, the central authority should also be empowered, after due local inquiry, to direct the construction of fish passes over, or through, or in connection with dams, or of artificial channels through adjacent lands, so as to obviate, where practicable, the necessity for any interference with the dam.

9. Inasmuch as the removal of existing obstructions to the passage of fish is imperatively required, and that without further legislation the public interest may be prejudicially affected, and the development of the salmon fisheries checked and prevented by the will of individual owners of obstructions, your Committee are of opinion that powers should be given to boards of conservators (with the approval, after local inquiry, of the central authority, subject to one of the Departments of Government) to purchase such obstructions, for the purpose of removal, under the provisions of the Lands Clauses Consolidation Act.

10. This question, together with others affecting the powers which it may be desirable to vest in local boards, brings us to the consideration of the manner in which boards of conservators are at present appointed and constituted. Your Committee are strongly of opinion that before larger powers can be satisfactorily bestowed upon boards of conservators, an elective character should be imparted to such boards. The interests of riparian owners, owners of several fisheries, rod and line licence-holders, and net licence-holders, have all to be considered. Without entering into details, which must necessarily be specified in any Act upon the subject, it appears to your Committee that a satisfactory constituent body might be formed from the above classes in each fishery district, by whom a board in which the interest of each class would be fairly represented, might be elected under such conditions as Parliament should determine.

11. When such boards of conservators have been obtained, your Committee would

would recommend that considerable powers should be bestowed upon them, and they believe that the discreet exercise of such powers would remove many of the difficulties which at present impede the development of English and Welsh fisheries. Almost all the necessary powers would be contained under a general authority to make, revoke, alter, or vary bye-laws suitable to each particular fishery district, subject to the approval of the central authority. The varying circumstances of each river, abundantly proved in evidence before your Committee, render it most desirable that the power of making such bye-laws should be entrusted to each local rather than to any central authority, although the approval of the latter should be required to ratify the bye-laws, and an appeal given to persons who might feel themselves aggrieved thereby.

12. Such bye-laws should embrace the following amongst other subjects:—

1. The variation of the period when weekly close time shall commence and end throughout any district, or in different parts thereof, so that the length of such close time shall not in any case whatever be less than 48 hours.

2. The variation of the period when annual close time shall commence and end throughout any district, so that the length of such close time shall not in any case whatever be less than that fixed by Parliament.

3. The description and character of nets, as regards length, size, and mesh, which may be used within the district.

4. To determine the times, places, and manner of using nets.

5. To vary the rate of licence duty in different parts of the same district.

6. To require marks, labels, or numbers to be attached to licensed nets and boats used in fishing.

7. To provide a resting-place for fish, by prohibiting the use of nets within a certain distance of the mouth of any river, and of the point of confluence of rivers.

8. To place gratings across the head and tail race of mills, and across any artificial channel, so, however, as not to interfere with the supply of water to any mill.

9. To decide upon the form of licence and manner in which licences in such districts shall be issued.

10. Generally to maintain, improve, protect, and regulate the salmon fisheries in their district.

13. Conflicting evidence has been given before your Committee upon the subject of levying a fishery rate, power to levy which should, in the opinion of your Committee, be given to boards of conservators, for certain purposes and upon certain conditions to be specified by Parliament: but, in the opinion of the Committee, such rating powers should not be exercised without first obtaining the assent of the majority in value of the parties liable to such rates.

14. Your Committee are of opinion that all fishing (save with rod and line) should be prohibited within a distance of 50 yards above and 100 yards below any dam or weir; that all net fishing in fresh waters should be absolutely prohibited between one hour after sunset and one hour before sunrise; that the use of two nets, one immediately behind the other, should be declared illegal, and that nets should be rendered liable to seizure if illegally used in annual as well as in weekly close time; that the proprietor of any fixed engine for catching eels, used in any salmon river, should be obliged to remove the same between the 1st of January and the 1st of July, and between 8 p.m. on Saturday night and 8 p.m. on Sunday; that water-bailiffs, duly authorised by boards of conservators, should have increased facilities for traversing the banks of salmon rivers at all reasonable times; that the scale of licences in the Schedule of the Salmon Act of 1865 having been found to be too limited in some instances, power should be given to charge a higher rate of duty than is thereby authorised; and that more effectual checks should be put upon illegal fishing at night.

15. Your Committee recommend that the central authority should have power to vary the time during which it shall be lawful to sell salmon taken in particular districts, according to the requirements of those districts.

16. There are other minor points of amendment which might doubtless be embodied in a Bill to te advantage of the fisheries. Your Committee believe that without such extensive changes in the existing fishery laws as might excite the reasonable apprehensions of the owners of mill property and retard legislation, amendments in the direction which they have indicated might be advantageously introduced, and that their adoption by Parliament would tend to the increase and development of the salmon fisheries in England and Wales without any counterbalancing prejudice to other interests.

20 *July* 1870.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 3rd March 1870.

MEMBERS PRESENT:

Mr. Dodds.	Mr. Knatchbull-Hugessen.
Earl Percy.	Mr. Whitwell.
Mr. Assheton.	Mr. William Lowther.
Colonel Edwardes.	

Mr. DODDS was called to the Chair.

The Committee deliberated.

[Adjourned till Friday, 11th March, at Twelve o'clock.

Friday, 11th March 1870.

MEMBERS PRESENT:

Mr. DODDS in the Chair.

Earl Percy.	Colonel Edwardes.
Mr. Whitwell.	Mr. Pease.
Colonel Amcotts.	Mr. Knatchbull-Hugessen.
Mr. Herbert.	Mr. Knight.
Mr. Hambro.	Mr. Evan Richards.
Mr. William Lowther.	

Mr. *Spencer Walpole*, examined.

[Adjourned till Tuesday next, at a quarter before Two o'clock.

Tuesday, 15th March 1870.

MEMBERS PRESENT:

Mr. DODDS in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Liddell.
Mr. William Lowther.	Colonel Edwardes.
Earl Percy.	Mr. Pease.
Mr. Evan Richards.	Mr. Knight.

Mr. *Spencer Walpole*, further examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 22nd March 1870.

MEMBERS PRESENT:

Mr. DODDS in the Chair.

Mr. Knatchbull-Hugessen.	Earl Percy.
Mr. Herbert.	Colonel Amcotts.
Mr. Pease.	Mr. Hambro.
Colonel Edwardes.	Mr. William Lowther.
Mr. Liddell.	Mr. Staveley Hill.
Mr. Assheton.	Mr. Evan Richards.

Mr. *Spencer Walpole,* further examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 25th March 1870.

MEMBERS PRESENT:

Mr. DODDS in the Chair.

Mr. Knight.	Colonel Edwardes.
Mr. Assheton.	Mr. Pease.
Colonel Amcotts.	Mr. William Lowther.
Mr. Hambro.	Mr. Knatchbull-Hugessen.
Mr. Herbert.	Earl Percy.
Mr. Staveley Hill.	Mr. Whitwell.

Mr. *Frederick Fane* and Mr. *Edward Matthew Fenwick* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 29th March 1870.

MEMBERS PRESENT:

Mr. DODDS in the Chair.

Mr. Herbert.	Colonel Amcotts.
Mr. William Lowther.	Earl Percy.
Colonel Edwardes.	Mr. Knight.
Mr. Liddell.	Mr. Assheton.
Mr. Whitwell.	Mr. Pease.
Mr. Knatchbull-Hugessen.	

Colonel *George Morland Hutton,* examined.

The Committee deliberated.

Motion made, and Question proposed, "That Captain Whyte, R.N., be summoned to attend the Committee to give evidence"—(Mr. *Knight*).—Amendment proposed, to leave out from the word "be" to the end of the Question, in order to add the words, "requested to send the heads of his Evidence to the Chairman in order that the Committee may be in a position to decide whether such new points are likely to be raised as would make it desirable that Captain Whyte should be examined"—(Mr. *Knatchbull-Hugessen*),

Hugessen),—instead thereof.—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 2.	Noes, 9.
Mr. Knight.	Mr. Knatchbull-Hugessen.
Mr. W. Lowther.	Mr. Liddell.
	Mr. Pease.
	Earl Percy.
	Mr. Whitwell.
	Mr. Assheton.
	Colonel Edwardes.
	Mr. Herbert.
	Colonel Amcotts.

Words added.—Main Question, as amended, put and *agreed to.*

Mr. *John Henry Phillips* and Mr. *Arthur Mostyn Owen* were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 1st April 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Knatchbull-Hugessen.	Earl Percy.
Mr. Herbert.	Mr. Pease.
Mr. W. Lowther.	Colonel Edwardes.
Mr. Liddell.	Mr. Evan Richards.
Mr. Assheton.	Mr. Hambro.
Mr. Whitwell.	Mr. Knight.
Colonel Amcotts.	

Mr. *William Cuthbert* and Mr. *George Henry List* were severally examined.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 5th April 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Herbert.	Mr. Whitwell.
Mr. Knight.	Mr. Hambro.
Colonel Edwardes.	Mr. Pease.
Mr. Liddell.	Colonel Amcotts.
Mr. Assheton.	Mr. Evan Richards.

Mr. *John Frederick Bateman*, C.E., and Mr. *Samuel Usher Roberts*, C.E., were severally examined.

The Committee deliberated.

Motion made, and Question, "That Mr. Haigh be summoned as a witness before the Committee,"—(Mr. *Knight*),—put, and *agreed to.*

Mr. *S. U. Roberts*, C.E., further examined.

Mr. *Richard Armstrong Gray*, C.E., examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 8th April 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Liddell.	Mr. Hambro.
Earl Percy.	Mr. William Lowther.
Colonel Amcotts.	Mr. Evan Richards.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.
Mr. Knight.	Mr. Herbert.
Colonel Edwardes.	

Mr. *John Willis Bond*, and Captain *Robert Charles Whyte*, R.N., were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 12th April 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Liddell.	Mr. Pease.
Mr. Assheton.	Mr. Whitwell.
Mr. William Lowther.	Mr. Hambro.
Colonel Edwardes.	

Mr. *Elliot Collyns Walkey*, Mr. *William Trelawny Hallett*, Mr. *Frank Buckland*, Mr. *George Augustus Haig*, and Mr. *John Lloyd*, Junior, were severally examined.

[Adjourned till Tuesday, 26th April, at Twelve o'clock.

Tuesday, 26th April 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Pease.
Mr. Staveley Hill.	Mr. William Lowther
Colonel Edwardes.	Mr. Hambro.
Mr. Liddell.	Mr. Herbert.
Colonel Amcotts.	

Mr. *Alexander Miller*, examined.

Mr. *Frank Buckland*, further examined.

Mr. *William Dunbar*, examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 3rd May 1870.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Mr. Liddell.	Mr. Pease.
Mr. Knatchbull-Hugessen.	Mr. Evan Richards.
Colonel Amcotts.	Mr. Assheton.
Mr. William Lowther.	Mr. Herbert.
Colonel Edwardes.	Mr. Whitwell.
Earl Percy.	

Mr. *William Lisle*, Mr. *Thomas Bolam*, Mr. *Jeremiah Wilson*, and Mr. *George Hale*, were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 10th May 1870.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Hambro.
Mr. Knight.	Mr. Herbert.
Mr. Evan Richards.	Mr. William Lowther.
Colonel Edwardes.	Earl Percy.
Mr. Assheton.	Mr. Staveley Hill.
Mr. Whitwell.	Mr. Liddell.
Colonel Amcotts.	

Mr. *Thomas Lechmere Marriott*, Mr. *David Lewis*, Mr. *Thomas Harris*, and Mr. *Richard Cail*, C.E., were severally examined.

The Committee deliberated.

Motion made, and Question, "That the Chairman be requested to draw up Resolutions expressing his opinion upon the main points of the inquiry"—(Mr. *Knatchbull-Hugessen*), —put, and *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 17th May 1870.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Mr. Knatchbull-Hugessen.	Colonel Edwardes.
Mr. Liddell.	Earl Percy.
Mr. Assheton.	Mr. Knight.
Mr. Staveley Hill.	Mr. Pease.
Mr. William Lowther.	Mr. Whitwell.

Rev. *Scott Surtees* and Mr. *Thomas Garnett* were severally examined.

[Adjourned till Thursday, 26th May, at Twelve o'clock.

Thursday, 26*th May* 1870.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Mr. Pease.	Colonel Amcotts.
Mr. Knight.	Mr. Hambro.
Colonel Edwardes.	Mr. Staveley Hill.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Mr. Assheton.	Mr. William Lowther.
Earl Percy.	Mr. Evan Richards.
Mr. Whitwell.	

Mr. *Thomas Francis Brady*, examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 31*st May* 1870.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Mr. Liddell.	Mr. Herbert.
Mr. Assheton.	Earl Percy.
Mr. Whitwell.	Mr. Hambro.
Colonel Amcotts.	Mr. Staveley Hill.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. William Lowther.	Mr. Pease.

Mr. *Thomas Francis Brady*, further examined.

The Committee deliberated.

Motion made, and Question proposed, "That the memorial of Mr. Scott Surtees to the Treasury be printed in the Appendix"—(Mr. *Knatchbull-Hugessen*).—The Committee divided:

Ayes, 7.	Noes, 2.
Mr. Knatchbull-Hugessen.	Mr. Hambro.
Earl Percy.	Colonel Amcotts.
Mr. Staveley Hill.	
Mr. Whitwell.	
Mr. Assheton.	
Mr. Herbert.	
Mr. William Lowther.	

[Adjourned till Friday, 17th June, at Twelve o'clock.

Friday, 17*th June* 1870.

MEMBERS PRESENT:

Mr. Dodds, in the Chair.

Mr. Liddell.	Mr. Evan Richards.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.
Colonel Edwardes.	Mr. Pease.

The Committee deliberated.

[Adjourned till Friday, 1st July, at Twelve o'clock.

Friday, 1st July 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Liddell.
Colonel Edwardes.	Mr. Hambro.
Mr. Evan Richards.	Mr. William Lowther.
Mr. Assheton.	Mr. Pease.
Mr. Whitwell.	Mr. Knight.

The Committee deliberated.

Motion made, and Question, "That it would conduce to the benefit of the Salmon Fisheries of England and Wales, if the regulation and management thereof were vested in a central authority, subject to one of the Departments of Government, and if the law regulating such fisheries were consolidated"—(The *Chairman*)—put, and *agreed to.*

Motion made, and Question proposed, "That the Special Commissioners for English Fisheries, appointed under the 'Salmon Fishery Act, 1865,' should be continued in their office for the purpose of completing the duties assigned to them by that Act, with such extended powers as circumstances have proved to be necessary, and especially on the ollowing points:—

"(*a.*) To inquire into Crown fisheries and rights.

"(*b.*) To inquire into the legality of obstructions to the passage of salmon, other than those to which their present powers extend, upon application for that purpose from the Board of Conservators for the district, if any, sanctioned by the head of the Government department.

"(*c.*) Amended powers under the 44th section of the Act of 1865"—(The *Chairman*).

Amendment proposed, in line 10, to leave out from the words "Government Department" to the end of the Question—(Mr. *Assheton*).—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 3.	Noes, 7.
Mr. Pease.	Mr. Knatchbull-Hugessen.
Colonel Edwardes.	Mr. Liddell.
Mr. Knight.	Mr. Evan Richards.
	Mr. Whitwell.
	Mr. Assheton.
	Mr. Hambro.
	Mr. William Lowther.

Main Question, as amended, put, and *agreed to.*

Motion made, and Question put,—"That the duties to be discharged, and the powers to be exercised by inspectors appointed under the 31st section of the 'Salmon Fisheries Act, 1861,' should be defined and regulated"—(The *Chairman*).—The Committee divided:

Ayes, 4.	Noes, 5.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Colonel Edwardes.	Mr. Evan Richards.
Mr. Knight.	Mr. Whitwell.
Mr. Hambro.	Mr. Assheton.
	Mr. William Lowther.

Motion made, and Question, "That full powers to constitute, divide, alter, unite, or dissolve fishery districts be given to the central authority"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Motion made, and Question, "That Boards of Conservators should be elected by a constituent body (to be hereafter defined); the elections of similar boards in Ireland appearing to afford evidence of the salutary working of such a system"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 7th July 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Liddell.	Mr. Pease.
Mr. Assheton.	Mr. William Lowther.
Mr. Evan Richards.	Mr. Hambro.
Mr. Knight.	Mr. Whitwell.
Colonel Amcotts.	Colonel Edwardes.
Mr. Knatchbull-Hugessen.	

Motion made, and Question—" (*a.*) That inasmuch as of all the evils that affect the salmon fisheries, artificial obstructions must beyond all question be regarded as amongst the most pernicious, and inasmuch as a recurrence to the ancient and clearly pronounced policy of this country, by the removal of obstructions from the waters is the sure and only road to the restoration of the fisheries, it is essential that powers for the construction of fish ladders and fish passes, and for the removal of obstructions, should be conferred and made effectual; and that, in the opinion of this Committee, such fish-ways can, in the great majority of cases, be made without any prejudicial interference with the milling, navigation, or other interests dependent upon or connected with such obstructions.

" (*b.*) That such compulsory powers should be conferred by Parliament as will admit either of the construction of fish passes, over or through, or in connection with the dam, or of artificial channels through adjacent lands, so as to obviate, where practicable, the necessity for any interference with the dam.

" (*c.*) That in the case of all artificial obstructions, except such as are not contrary to the salmon fishery laws, now or hereafter to be made, or exist by virtue of any express statutory provision, the needful fish passes should be constructed at the expense of the owner of the obstruction.

" (*d.*) That in all such excepted cases, the expense of constructing fish passes should be borne and paid by the boards of conservators or the proprietors of the fisheries interested therein, and at whose instance and for whose benefit the same shall be constructed.

" (*e.*) That in all cases where fish passes are constructed, whether voluntarily or compulsorily, and where artificial channels shall have been made by lawful authority, boards of conservators shall have power, at all reasonable times, and after reasonable notice, to enter upon lands, and to alter, improve and repair such passes and channels without being liable to make any compensation, except for actual damage occasioned thereby "—(The *Chairman*)—put, and *agreed to.*

Motion made, and Question put, " That all artificial obstructions to the passage of fish, which are permanently disused or have fallen into decay, shall, where it shall be deemed necessary, be removable at the expense of the boards of conservators "—(The *Chairman*).—The Committee divided:

Ayes, 6.	Noes, 4.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Mr. Pease.	Mr. Whitwell.
Colonel Edwardes.	Mr. Assheton.
Mr. Knight.	Mr. William Lowther.
Mr. Hambro.	
Colonel Amcotts.	

Motion made, and Question, " (*a.*) That where on public grounds, and having regard to the probable increase in the value of the fisheries, it appears expedient that any artificial obstruction should be removed; power should be given to boards of conservators, after inquiry by and with the sanction of the central authority, to purchase compulsorily for the purpose only of removal, either wholly or partially, such obstructions as it may be deemed expedient to remove, a provisional order being granted by such central authority and incorporated in an Act of Parliament, before the same becomes operative.

" (*b.*) That upon the passing of such last-mentioned Act, the board of conservators be empowered to purchase such obstructions, under the provisions of the Lands Clauses Consolidation Acts "—(The *Chairman*)—put, and *agreed to.*

Motion made, and Question proposed, (*a.*) " That boards of conservators be empowered, with the sanction of the central authority, to raise needful funds by means of a fishery rate for certain purposes, and upon certain conditions.

" (*b.*) That rates so levied shall be deemed to be property belonging to the board, within the 28th section of the Salmon Fishery Act, 1865 "—(The *Chairman*).

Amendment proposed in line 1, to leave out from the word " That," down to the words " certain conditions," in order to insert the words: " It is not desirable to sanction the levying of any rates for providing money to be expended by boards of conservators, but that

that such Boards should deal only with money raised by licences or by voluntary contributions"—(Mr. *Assheton*),—instead thereof.

Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 6.	Noes, 3.
Mr. Knatchbull-Hugessen.	Mr. Assheton.
Mr. Liddell.	Mr. Knight.
Mr. Pease.	Mr. William Lowther.
Colonel Edwardes.	
Mr. Hambro.	
Colonel Amcotts.	

Main Question put, and *agreed to.*

Motion made, and Question proposed—"(*a.*) That having regard to the almost infinite variety of circumstances affecting different districts, and even different portions of the same district, and with the view of obviating the necessity of repeated applications to Parliament to amend the Salmon Fisheries Acts, the power of making, revoking, altering, or varying bye-laws for the regulation of fisheries, should be conferred by Parliament, and that such bye-laws should embrace the following amongst other powers:—

"(1.) To determine the description, size, and length of nets, and the size of the meshes thereof.

"(2.) To determine the times, places, and manner of using nets.

"(3.) To define and describe the manner in which salmon may, from time to time, be taken in any district or portion of a district.

"(4.) To vary the rate of license duty in different parts of the same district.

"(5.) To determine the period when weekly close time shall commence and end throughout any district, or in different parts thereof, so that the length of such close time shall be that fixed by Parliament.

"(6.) To require marks, labels, or numbers to be attached to licensed nets and boats used in fishing.

"(7). Generally to maintain, improve, protect, and regulate salmon fisheries.

"(*b.*) Bye-laws for a salmon fishery district shall be made by the board of conservators thereof, with the approval of the governing fishery board, to be given only after local inquiry held pursuant to public notice, and shall not become operative until confirmed by a judge of one of the superior courts in like manner as bye-laws are now required to be confirmed under the Harbours, Docks, and Piers Clauses Act, 1845"—(The *Chairman*).

Amendment proposed, in line 17, after the words "boats used in fishing," to insert the words, "(7.) To provide a resting place for fish, by prohibiting the use of nets within a certain distance of the mouth of any river, and of the point of confluence of rivers.

"(8.) To place gratings across the head and tail race of mills, and across any artificial channel, so, however, as not to interfere with the supply of water to any mill"—(Mr. *Knatchbull-Hugessen*).

Question proposed, That those words be there inserted;

Amendment proposed to the proposed Amendment, after the words "not to interfere," to insert the word "prejudicially"—(The *Chairman*).—Question put, That the word "prejudicially" be inserted in the proposed Amendment.—The Committee divided:

Ayes, 3.	Noes, 6.
Mr. Pease.	Mr. Knatchbull-Hugessen.
Colonel Edwardes.	Mr. Liddell.
Mr. Knight.	Mr. Whitwell.
	Mr. Assheton.
	Colonel Amcotts.
	Mr. William Lowther.

Amendment agreed to, and inserted in the proposed Question.

Another Amendment proposed, in line 21, to leave out from the words "*pursuant to public notice*" to the end of the Question—(Mr. *Liddell*).—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Aye, 1.	Noes, 9.
Mr. Knight.	Mr. Knatchbull-Hugessen.
	Mr. Liddell.
	Mr. Pease.
	Mr. Whitwell.
	Mr. Assheton.
	Colonel Edwardes.
	Mr. Hambro.
	Colonel Amcotts.
	Mr. William Lowther.

Main Question, as amended, put, and *agreed to.*

"*Resolved,* (*a.*) That having regard to the almost infinite variety of circumstances affecting different districts, and even different portions of the same districts, and with the view of obviating the necessity of repeated applications to Parliament to amend the Salmon Fisheries Acts, the power of making, revoking, altering, or varying bye-laws for the regulation of fisheries should be conferred by Parliament, and that such bye-laws should embrace the following, amongst other powers:

"(1.) To determine the description, size, and length of nets, and the size of the meshes thereof.

"(2.) To determine the times, places, and manner of using nets.

"(3. To define and describe the manner in which salmon may from time to time be taken in any district or portion of a district.

"(4.) To vary the rate of license duty in different parts of the same district.

"(5.) To determine the period when weekly close time shall commence and end throughout any district, or in different parts thereof, so that the length of such close time shall be that fixed by Parliament.

"(6.) To require marks, labels, or numbers to be attached to licensed nets and boats used in fishing.

"(7.) To provide a resting place for fish, by prohibiting the use of nets within a certain distance of the mouth of any river, and of the point of confluence of rivers.

"(8.) To place gratings across the head and tail race of mills, and across any artificial channel, so, however, as not to interfere with the supply of water to any mill.

"(9.) Generally to maintain, improve, protect, and regulate salmon fisheries.

"(*b.*) Bye-laws for a salmon fishery district shall be made by the board of conservators thereof, with the approval of the central authority, such approval to be given only after local inquiry held pursuant to public notice."

Motion made, and Question put, "That boards of conservators, with the sanction of the central authority, shall have power to vary the beginning and ending of the annual close season in any district"—(The *Chairman*).—The Committee divided:

Ayes, 6.	Noes, 3.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.
Mr. Liddell.	Mr. Knight.
Mr. Pease.	Mr. William Lowther.
Mr. Assheton.	
Colonel Edwardes.	
Colonel Amcotts.	

Motion made, and Question proposed, "That weekly close time shall not in any case whatever be less than 48 hours, except that, within tidal limits, where fishing in ordinary cases cannot be exercised for a longer period than six hours in each 12, the time may be reduced to 42 hours"—(The *Chairman*).—Amendment proposed in line 2, to leave out from the words "less than 48 hours" to the end of the Question—(Mr. *Liddell*).—Question, That the words proposed to be left out stand part of the Question—put, and *negatived.*—Main Question, as amended, put, and *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 12*th July* 1870.

MEMBERS PRESENT:

Mr. Knatchbull-Hugessen.	Mr. Hambro.
Mr. Assheton.	Mr. Evan Richards.
Mr. Whitwell.	Colonel Edwardes.
Mr. Liddell.	Mr. William Lowther.
Colonel Amcotts.	Mr. Pease.
Earl Percy.	Mr. Knight.

In the absence of Mr. Dodds, Mr. Knatchbull-Hugessen was called to the Chair.

Motion made, and Question, "That fishing for salmon, except with rod and line, be prohibited

prohibited in any river within 50 yards above and 100 yards below any mill or mill-dam" —(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Motion made, and Question, " That all net-fishing in fresh waters be absolutely prohibited between the hours of 8 p. m. and 6 a. m."—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Motion made, and Question, " That nets should be rendered liable to seizure if illegally used in annual as well as weekly close time"—(Mr. *Assheton*)—put, and *agreed to.*

Motion made, and Question, " That water-bailiffs duly authorised by Boards of Conservators should have increased facilities for traversing the banks of rivers at all reasonable times"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Motion made, and Question, " That more effectual checks should be put upon illegal fishing at night "—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Motion made, and Question, " That the use of fixed engines for taking eels be prohibited from the 1st of January to the 30th June, both inclusive "—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

Motion made, and Question put, " That the close time fixed for salmon fishing shall extend also to the brown or common trout, and to char, and that the 64th section of the Salmon Fishery Act, 1865, with regard to trout, be extended to char"—(Mr. *Richards*).—The Committee divided:

Ayes, 4.	Noes, 5.
Mr. Evan Richards.	Mr. Liddell.
Colonel Edwardes.	Earl Percy.
Mr. Hambro.	Mr. Whitwell.
Colonel Amcotts.	Mr. Assheton.
	Mr. William Lowther.

Motion made, and Question, " That a license to use a net should authorise the use of such net by one man or set of men only"—(Mr. *Knatchbull-Hugessen*)—put, and *agreed to.*

DRAFT REPORT, proposed by Mr. *Knatchbull-Hugessen*, read the first time, as follows:—

" 1. There can be no doubt that the value of these fisheries has, from a variety of causes, deteriorated, and that the attempts to improve that value by recent legislation have only been partially successful. The principal causes of deterioration may be found in the many obstructions to the passage of the fish which from time to time have been created, in the use of fixed engines for the destruction of the fish, and in the pollution of rivers. With the latter point your Committee have not concerned themselves, inasmuch as a Special Commission has been appointed to consider the subject, whose recommendations cannot but assist the fisheries in proportion as they tend to the purification of the water, with a view to sanitary considerations.

" 2. With regard to fixed engines, Special Commissioners were appointed under the Act 28 & 29 Vict. c. 121, to whom was entrusted the duty of inquiring into the legality of all fixed engines erected or used for the purpose of catching salmon within the limits of the Salmon Fishery Acts, 1861 and 1865, with power to abate and remove all such as were not proved to their satisfaction to be privileged. The Commissioners were also empowered to inquire into the legality of all fishing weirs and fishing mill-dams, with a view to the removal or alteration of such as were illegal, and the requiring a free gap to be made, or a fish-pass to be attached, according to the circumstances of the case.

" 3. No power was, however, conferred upon the Commissioners by the Act to try the legality of fixed engines belonging to the Crown, which, in the opinion of your Committee, should not have been excepted from the general legislation.

" 4. Moreover, neither in the Special Commissioners, nor in any other body, is there vested power to remove or diminish the evil effect upon fisheries arising from ordinary mill-dams, weirs, and other obstructions to the passage of fish. The neglect of their property in fisheries by riparian owners and others, during a long series of years, and the contemporaneous creation of property in mill-dams and weirs on almost every river in the country have greatly complicated the matter, and rendered legislation difficult. For, if on the one hand, it is unjust that the owner of a mill-dam should, by obstructing the passage of fish to their spawning beds, or by the use of the facilities for catching fish which he possesses, injure or destroy the property of those upper riparian owners, upon whose care and preservation of the spawning ground must depend the supply of fish in the

river, and the very existence of the fishery; it may be urged, on the other hand, that rights long neglected practically cease to be rights, in the strict sense of the word, and that property which has been created without protest, and has been suffered to exist for many years without disturbance, cannot rightly be subjected to interference on account of the resuscitation of interest in their fishery rights on the part of those who have so long neglected to use or enforce such rights.

"5. Having regard, however, to the importance, in a national point of view, of the improvement and development of our fisheries, your Committee are of opinion that it is absolutely necessary that greater powers should exist for the removal of obstructions to the passage of fish. The weight of evidence appears to incline to the view that, in the great majority of cases, facilities may be afforded for the passage of the fish without injury to the milling interest. Your Committee, however, are not satisfied as to the possibility of the application to every dam or weir of an uniform system of fish-pass.

"6. The approval of fish-passes at present rests with the Home Office, acting through their inspectors; but it is a point worthy of consideration, whether as questions in any way affecting the navigation of rivers more naturally belong to the Board of Trade, it would not be better that fishery questions should be transferred to that department, so long, at least, as the fisheries of the country are not so sufficiently developed as to justify the establishment of a separate fishery department.

"7. Meanwhile, the continuance of the Special Commissioners is for the present necessary, and the able manner in which they have hitherto discharged their duties gives good hope that their appointment will have materially aided the improvement of the fisheries. The duties of the Special Commissioners and of the inspectors appear to be clearly defined, for while it appertains to the former to decide upon the legality of existing fishing mill-dams, and to direct the making of a free gap on the application of a fish-pass, to the latter is entrusted, under the direction of the Home Office, the decision as to the nature and character of the fish-pass applicable to each particular case. Additional power should, in the opinion of your Committee, be given to the Special Commissioners to inquire into the legality of all obstructions to the passage of fish other than those fishing mill-dams, to inquire into which their power is at present limited. It would probably, however, be desirable that this extension of power should be confined to cases in which boards of conservators make formal application for the interference of the Commissioners, upon the ground that such obstructions are injurious to the fisheries of their district.

"8. Whether under the control of the Home Office, Board of Trade, or any other Department, the fishery laws decidedly require amendment in many particulars; and it is desirable that in any alteration of the said laws it should be provided that all matters apertaining to the regulation and management of the salmon fisheries of England and Wales should be placed under a recognised central authority, which should be subject and responsible to one of the above-named departments of the Government. To this central authority should be given full powers to constitute, alter, unite, divide, and dissolve fishery districts. Upon the application of boards of conservators, the central authority should also be empowered to direct the construction of fish-passes over or through, or in connection with dams, or of artificial channels through adjacent lands, where practicable, so as to obviate the necessity of any interference with the dam.

"9. By whatever process it may be accomplished, the removal of existing obstructions to the passage of the fish is imperatively necessary. And, inasmuch as this removal is required by the public interest, and that without further legislation the public interest may be prejudicially affected, and the development of the salmon fisheries checked and prevented by the will of individual owners of obstructions, your Committee are of opinion that powers should be given to Boards of Conservators (with the approval, after local inquiry, of the central authority), to purchase such obstructions, for the purpose of removal, under the provisions of the Land Clauses Consolidation Act.

"10. This question, together with others affecting the powers which it may be desirable to vest in local boards, bring us to the consideration of the manner in which Boards of Conservators are at present appointed and constituted, namely, by the Justices in Quarter Sessions. Your Committee are strongly of opinion that before larger powers can be satisfactorily bestowed upon boards of conservators, an elective character should be imparted to such boards; the interests of riparian owners, owners of several fisheries, rod and line licence-holders, and net licence-holders, have all to be considered. Without entering into details, which must necessarily be more particularly specified in any Act upon the subject, it appears to your Committee that a satisfactory constituent body might be formed from the above classes in each fishery district, by whom a board, in which the interest of each class would be fairly represented, might be elected under such conditions in Parliament should determine.

"11. When such boards of conservators have been obtained, your Committee would recommend that considerable powers should be bestowed upon them, and they believe that the discreet exercise of such powers would remove many of the difficulties which at present impede the development of English and Welsh fisheries. Almost all the necessary powers would be contained under a general authority to make, revoke, alter, or vary bye-laws

laws given to the board of each particular fishery district, subject to the approval of the central authority. The varying circumstances of each river, abundantly proved in evidence before your Committee, render it most desirable that the power of making such bye-laws should be entrusted to each local authority rather than to any central department, although the sanction of the latter should be required to ratify the bye-laws, and an appeal given to persons who might feel themselves aggrieved.

" 12. The power to make such bye-laws should extend to the following subjects:

" 1. The variation of the weekly and yearly close-time.

" 2. The description and character of nets, as regards length, size, and mesh which may be used within the district.

" 3. Power to vary the rate of licence duty in different parts of the same district.

" 4. Power to require marks, labels, or numbers to be attached to licensed nets and boats used in fishing.

" 5. Power to provide a resting-place for fish, by prohibiting the use of nets within a certain distance of the mouth of any river, and of the point of confluence of rivers.

" 6. Power to place gratings across the head and tail race of mills, and across any artificial channel, so, however, as not to interfere with the supply of water to any mill.

" 7. Generally to maintain, improve, protect, and regulate the salmon fisheries in their district.

" 13. Conflicting evidence has been given before your Committee upon the subject of the levying a fishery rate, power to levy which should, in the opinion of your Committee, be given to boards of conservators, for certain purposes and upon certain conditions. As to the mode of assessment, various opinions have been expressed, and it might be convenient to leave this point to the local boards, whose views embodied in a bye-law, and subject to the sanction of the Central Department, might vary according to the special circumstances of their different districts.

" 14. Your Committee are of opinion that all fishing (save with rod and line) should be prohibited within a distance of 50 yards above and 100 yards below any dam or weir; that the use of two nets, one behind the other, should be declared illegal, and that nets should be rendered liable to seizure if illegally used in annual as well as in weekly close time; that the proprietor of any fixed engine for catching eels, used in any salmon river, should be obliged to remove the same between the 1st of January and the 1st of July; that water-bailiffs, duly authorised by boards of conservators, should have increased facilities for traversing the banks of salmon rivers at all reasonable times; and that more effectual checks should be put upon illegal fishing at night.

" 15. There are other minor points of amendment which might doubtless be embodied in a Bill to the advantage of the fisheries. Your Committee believe that without any such extensive change in the existing fishery laws as might excite opposition from the owners of mill property and retard legislation, amendments in the direction which they have indicated might be advantageously introduced, and that their adoption by Parliament would tend to the increase and development of the salmon fisheries in England and Wales without any counterbalancing ill-effect upon any other interest."

DRAFT REPORT, proposed by Mr. *Assheton*, read the first time, as follows:—

" Your Committee having considered the evidence before them, are of opinion that the laws relating to Salmon Fisheries in England and Wales require amendment in various particulars, and have agreed to report as follows:—

" That amongst other matters which require amendment, is the present method of constituting boards of conservators, and the powers at present conferred upon such boards; as although the existing method of forming such boards has, on the whole, worked fairly well, it is desirable, while giving that increased authority to the boards which they ought to possess, to give to the boards themselves a more distinctly representative character.

" That with the view of obtaining these objects, the following changes in the law should be made:—

" That Justices of the Peace should cease to appoint members of boards of conservators, and to audit the accounts of the boards.

" That the accounts of boards of conservators should be made up to 31st December in each year, and should be audited by some central authority (under the control of either the Home Office or the Board of Trade), such central authority to have power to disallow items, &c.

" That the present classes of *ex officio* members of boards of conservators should cease to exist.

" That boards of conservators should hold office for one year, beginning on 1st January in each year, and should consist of the following three classes:—

"I. All persons who during any part of the previous 12 months owned a several fishery within the district, of the annual value of 5 *l.* or upwards.

"II. All persons who in the like period paid for licences to the amount of 10 *l.* or upwards.

"III. Persons to be elected by those who in the like period paid for licences to the amount of less than 10 *l.*

"Corporations, firms, trustees, &c. qualified in either of the three classes, to appoint one of their number to act for them.

"That the number of persons to be elected in a district, the total amount of whose revenue from licences and fines in the then current year was under—

£. 50	should be	- - - - -	2
under £. 100	„	- - - - -	4
„ 200	„	- - - - -	6
„ 300	„	- - - - -	8

and so on, two persons for each additional 100 *l.*, or fraction thereof.

"That the clerk to each board of conservators should as soon after 1st November in each year as may be, send a notice of a meeting by post to each holder of a licence of less than 10 *l.*, and the holders shall at such meeting elect so many persons (not necessarily out of their own number) as the revenue collected in the then current year will justify by the above scale, to be the elected members of the board for the then next ensuing year; the holders of rod and line licences to elect half the persons so elected, and the holders of other sorts of licences the other half.

"That persons entitled to sit at the board under Classes I. and II. should not vote at, or take part in, the licence holders meeting.

"That the board thus constituted should (in addition to the powers it holds under the Salmon Acts of 1861 and 1865) have power to make bye-laws on the subjects mentioned, and subject to the regulations laid down in Clause 20 of the "Salmon Fisheries Law Amendment" Bill of 1869, except that the board should not be bound by the scale of licence duties in the schedule of the Act of 1865, and should also have power to make bye-laws on the following subjects, viz. :—

"(A.) The variation of the yearly close time.

"(B.) The use of the gaff by rod and line fishers."

Motion made, and Question, That the Draft Report, proposed by Mr. Knatchbull-Hugessen, be now read a second time, paragraph by paragraph—(Mr. *Liddell*)—put, and *agreed to.*

Paragraphs 1 and 2, amended, and *agreed to.*

Paragraph 3, *agreed to.*

Paragraph 4.—Amendments made.—Another Amendment proposed, in line 5, to leave out the word "contemporaneous"—(Mr. *Pease*).—Question put, That the word "contemporaneous" stand part of the paragraph.—The Committee divided:

Ayes, 8.	Noes, 3.
Earl Percy.	Mr. Liddell.
Mr. Evan Richards.	Mr. Pease.
Mr. Whitwell.	Mr. William Lowther.
Mr. Assheton.	
Colonel Edwardes.	
Mr. Knight.	
Mr. Hambro.	
Colonel Amcotts.	

Another Amendment proposed, in line 7, to leave out the word "unjust," in order to insert the word "unfair"—(Mr. *Whitwell*),—instead thereof.—Question, That the word "unjust" stand part of the paragraph—put, and *agreed to.*

Other Amendments made.

Another Amendment proposed, in line 11, to leave out from the words "very existence of fisheries" to the end of the paragraph—(Mr. *Knight*).—Question, That the words proposed to be left out stand part of the paragraph—put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Paragraph 5, amended, and *agreed to.*

Paragraph 6, *postponed.*

Paragraph 7.—Amendments made.—Another Amendment proposed, in line 13, after the words "formal application" to insert the words "to the central authority, subject to

one

one of the Departments of Government"—(Mr. *Pease*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Liddell.	Mr. Evan Richards.
Mr. Pease.	Colonel Edwardes.
Earl Percy.	Mr. Hambro.
Mr. Whitwell.	Colonel Amcotts.
Mr. Assheton.	
Mr. Knight.	
Mr. William Lowther.	

Another Amendment proposed, in line 13, to leave out the words "for the interference of the Commissioners"—(Mr. *Hambro*).—Question, That the words proposed to be left out stand part of the paragraph—put, and *agreed to.*

Another Amendment made.—Paragraph, as amended, *agreed to.*

Paragraph 8, *postponed.*

Paragraph 9.—Amendments made.—Another Amendment proposed, in line 8, to leave out the words "central authority," in order to insert the word "Government"—(Mr. *Whitwell*),—instead thereof.—Question put, That the words "central authority" stand part of the paragraph.—The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Liddell.	Earl Percy.
Mr. Pease.	Mr. Evan Richards.
Mr. Assheton.	Mr. Whitwell.
Mr. Knight.	Colonel Edwardes.
Mr. Hambro.	
Colonel Amcotts.	
Mr. William Lowther.	

Another Amendment made.—Paragraph, as amended, *agreed to.*

Paragraph 10.—Amendments made.—Another Amendment proposed, in line 5, to leave out the words "an elective character should be imparted to such boards"—(Mr. *Knight*).—Question, That the words proposed to be left out stand part of the paragraph—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in line 7—9, to leave out the words "Without entering into details which must necessarily be more particularly specified in any Act upon the subject"—(Mr. *William Lowther*).—Question, That the words "Without entering into details" stand part of the paragraph,—put, and *agreed to.*—Another Amendment made.—Paragraph, as amended, *agreed to.*

[Adjourned till Wednesday, 20 July, at Twelve o'clock.

Wednesday, 20th July 1870.

MEMBERS PRESENT:

Mr. DODDS, in the Chair.

Mr. Knatchbull-Hugessen.	Mr. William Lowther.
Mr. Liddell.	Mr. Whitwell.
Mr. Assheton.	Mr. Pease.
Earl Percy.	Colonel Edwardes.
Colonel Amcotts.	Mr. Hambro.
Mr. Knight.	

Postponed Paragraph 6, amended, and *agreed to.*

Postponed Paragraph 8.—Amendment proposed, in line 5, to leave out from the word "under," to the words "of the Government," inclusive, in line 6, in order to insert the words, "one of the departments of Government as the recognised central authority"—(The *Chairman*),—instead thereof.—Question, That the words "a recognised central authority" stand part of the paragraph, put, and *agreed to.*

Other Amendments made.

Another Amendment proposed, in line 9, after the word "empowered" to insert the words "after due local inquiry"—(The *Chairman*).—Question proposed, That those words be there inserted.—Amendment proposed to proposed Amendment, to leave out the word "local"—(Mr. *Whitwell*).—Question put, That the word "local" stand part of the proposed Amendment.—Committee ivided:

Ayes, 7.	Noes, 4.
Mr. Pease.	Mr. Knatchbull-Hugessen.
Earl Percy.	Mr. Liddell.
Mr. Assheton.	Mr. Whitwell.
Colonel Edwardes.	Colonel Amcotts.
Mr. Knight.	
Mr. Hambro.	
Mr. Lowther.	

Question, That the words "after due local inquiry" be there inserted.—The Committee divided:

Ayes, 8.	Noes, 3.
Mr. Pease.	Mr. Knatchbull-Hugessen.
Earl Percy.	Mr. Liddell.
Mr. Whitwell.	Mr. Assheton.
Colonel Edwardes.	
Mr. Knight.	
Mr. Hambro.	
Colonel Amcotts.	
Mr. William Lowther.	

Other Amendments made.—Paragraph, as amended, *agreed to.*

Amendment proposed, after Paragraph 10, to insert the following paragraph:—"The election of Boards of Conservators in Ireland appears, from the evidence of Mr. Brady, to afford evidence of the salutary working of an elective system"—(The *Chairman*).—Question put, That this paragraph be inserted in the proposed Report.—The Committee divided:

Ayes, 4.	Noes, 7.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Mr. Pease.	Earl Percy.
Colonel Edwardes.	Mr. Whitwell.
Mr. Hambro.	Mr. Assheton.
	Mr. Knight.
	Colonel Amcotts.
	Mr. William Lowther.

Paragraph 11.—Amendments made.—Another Amendment proposed, in line 10, after the words "ratify the bye-laws," to insert the words, "Such approval to be given only after local inquiry held pursuant to public notice"—(The *Chairman*).—Question proposed, That those words be there inserted.—Amendment proposed to proposed Amendment, after the words "to be given," to insert the words "in the first instance"—(Mr. *Knatchbull-Hugessen*).—Question, That the words "in the first instance" be inserted in the proposed Amendment.—The Committee divided:

Ayes, 5.	Noes, 6.
Mr. Knatchbull-Hugessen.	Mr. Pease.
Mr. Liddell.	Earl Percy.
Mr. Whitwell.	Colonel Edwardes.
Mr. Assheton.	Mr. Knight.
Colonel Amcotts.	Mr. Hambro.
	Mr. William Lowther.

Question, That the words, "such approval to be given only after local inquiry held pursuant to public notice," be there inserted.—The Committee divided:

Ayes, 4.	Noes, 7.
Mr. Pease.	Mr. Knatchbull-Hugessen.
Colonel Edwardes.	Mr. Liddell.
Mr. Hambro.	Earl Percy.
Mr. William Lowther.	Mr. Whitwell.
	Mr. Assheton.
	Mr. Knight.
	Colonel Amcotts.

Another Amendment made.—Paragraph, as amended, *agreed to.*

Paragraph

Paragraph 12.—Amendments made.—Another Amendment proposed, in line 2, after the words, "the variation of the," to insert the words, "period when weekly close time shall commence and end throughout any district, or in different parts thereof, so that the length of such close time shall not in any case whatever be less than 48 hours"—(The *Chairman*).—Question, That those words be there inserted, put, and *agreed to.*

Another Amendment proposed, after the last Amendment, to insert the words, "the variation of the period when annual close time shall commence and end throughout any district, so that the length of such close time shall not in any case whatever be less than that fixed by Parliament—(The *Chairman*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 9.	Noes, 2.
Mr. Knatchbull-Hugessen.	M. Liddell.
Mr. Pease.	Mr. Knight.
Earl Percy.	
Mr. Whitwell.	
Mr. Assheton.	
Colonel Edwardes.	
Mr. Hambro.	
Colonel Amcotts.	
Mr. William Lowther.	

Other Amendments made.

Another Amendment proposed, in line 12, to leave out the words "interfere with," in order to insert the word "injure," instead thereof—(The *Chairman*).—Question, That the words "interfere with," stand part of the paragraph, put, and *agreed to.*

Another Amendment proposed, in line 12, after the words "any mill," to insert the words, "to decide upon the form of licence, and manner in which licences in such district shall be issued—(Mr. *Pease*).—Question, That those words be there inserted, put, and *agreed to.*

Paragraph, as amended, *agreed to.*

Paragraph 13.—Amendment made.—Another Amendment proposed, in line 2, to leave out from the word "rate" to the end of paragraph, in order to insert the words, "but your Committee think that inasmuch as other interests will be represented upon the intended boards of conservators besides those of the persons who would be rated, it would not be equitable to confer upon the boards the power of rating"—(Mr. *Assheton*), instead thereof.—Question put, That the words "power to levy" stand part of the paragraph.—The Committee divided:

Ayes, 8.	Noes, 3.
Mr. Knatchbull-Hugessen.	Mr. Assheton.
Mr. Liddell.	Mr. Knight.
Mr. Pease.	Mr. William Lowther.
Earl Percy.	
Mr. Whitwell.	
Colonel Edwardes.	
Mr. Hambro.	
Colonel Amcotts.	

Another Amendment made.

Another Amendment proposed, in line 3, to leave out from the words "certain conditions," to the end of the paragraph.—(The *Chairman*).—Question, That the words proposed to be left out stand part of the paragraph, put, and *negatived.*

Another Amendment proposed, in line 3, after the words "certain conditions," to add the words, "but in the opinion of the Committee such rating powers should not be exercised without first obtaining the assent of the majority in value of the parties liable to such rates"—(Mr. *Whitwell*).—Question put, That those words be there added.—The Committee divided:

Ayes, 8.	Noes, 3.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Earl Percy.	Earl Percy.
Mr. Whitwell.	Colonel Edwardes.
Mr. Assheton.	
Mr. Knight.	
Mr. Hambro.	
Colonel Amcotts.	
Mr. Lowther.	

Paragraph, as amended, *agreed to.*

Paragraph 14.—Amendment made.—Another Amendment proposed, in line 3, after the words "use of," to insert the words, "the use of one legal net behind another legal net,

so close as to produce the effects of an illegal net, be declared unlawful"—(Mr. *Whitwell*).—Question, That those words be there inserted, put, and *negatived*.

Another Amendment made.

Another Amendment proposed, in line 6, after the words "1st of July," to insert the words, "and between 8 p.m. on Saturday night and 8 p.m. on Sunday"—(Mr. *Hambro*)—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Knatchbull-Hugessen.	Mr. Liddell.
Mr. Pease.	Colonel Edwardes.
Earl Percy.	Mr. Knight.
Mr. Whitwell.	Mr. William Lowther.
Mr. Assheton.	
Mr. Hambro.	
Colonel Amcotts.	

Another Amendment proposed, in lines 7 and 8, to leave out the words, "That water bailiffs duly authorised by boards of conservators should have increased facilities for traversing the banks of salmon rivers at all reasonable times"—(Mr. *Knight*).—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 9.	Noes, 2.
Mr. Knatchbull-Hugessen.	Mr. Knight.
Mr. Liddell.	Mr. William Lowther.
Mr. Pease.	
Earl Percy.	
Mr. Whitwell.	
Mr. Assheton.	
Colonel Edwardes.	
Mr. Hambro.	
Colonel Amcotts.	

Another Amendment proposed, in line 8, after the word "times," to insert the words "and also have power of searching the persons of those suspected of breaking the Salmon Fisheries Laws"—(Earl *Percy*).—Question, That those words be there inserted, put, and *negatived*.

Another Amendment made.—Paragraph, as amended, *agreed to*.

Amendment proposed, after Paragraph 14, to insert the following paragraph: "That it has been brought to the notice of your Committee, that in many cases there has been a great waste or illegal abstraction of water from salmon rivers taken pursuant to, but in excess of, statutory powers, and that no remedy exists for the prevention of such waste or abstraction, except by proceedings in Chancery, necessarily expensive, and causing considerable delay; and your Committee recommend that greater facilities, and a more speedy remedy, be afforded to the persons interested in such rivers, to restrain such illegal practices"—(Mr. *Hambro*).—Question, That this paragraph be inserted in the proposed Report.—The Committee divided:

Ayes, 4.	Noes, 5.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Mr. Whitwell.	Mr. Pease.
Mr. Hambro.	Mr. Assheton.
Colonel Amcotts.	Colonel Edwardes.
	Mr. William Lowther.

Amendment proposed, after Paragraph 14, to insert following paragraph: "That your Committee would recommend that in certain cases where the boards of conservators are unable, on account of the present unproductive state of some salmon rivers, to raise, by a rate or otherwise, sufficient money to enable them to purchase any obstructive weirs, or to execute such other works as shall appear to the satisfaction of the central authority to be of advantage to the fisheries of such river, and necessary for its increased productiveness, Government shall be empowered to advance money to such board on the same terms as moneys are now advanced by them under the Acts to authorise the advance of money to promote the improvement of land in Great Britain; and that it shall be in the power of such boards of conservators to assign to the Government such rates as may be levied under any Salmon Fishery Act, for the repayment of such moneys lent by the Government, including the repayment of the principal, within such time as the Government may think fair—(Mr. *Hambro*).—Question, That this paragraph be inserted in the proposed Report, put, and *negatived*.

Amendment

Amendment proposed, after Paragraph 14, to insert the following paragraph: "That the central authority recommended in the Report do consist of the present Commissioners and Inspectors, or of other gentlemen competent to perform the like duties. The several members of such Board to hold office as long as it shall appear to the Secretary of State that their services are required for the benefit of the Salmon Fisheries, and that they have power to call in the services of an engineer when they think necessary"—(Mr. *Hambro*),—Question, That this paragraph be inserted in the proposed Report, put, and *negatived*

Amendment proposed, after Paragraph 14, to insert the following paragraph: "That a licence to sell salmon should be required the same as for game, and that all game licences should carry fish"—(Mr. *Hambro*).—Question, That this paragraph be inserted in the proposed Report, put, and *negatived.*

Amendment proposed, after Paragraph 14, to insert the following paragraph: "That the racks in use on the Avon, in Hants, and some other rivers, be included in the list of engines for taking fish, and be liable to be taxed or removed"—(Mr. *Hambro*). —Question put, That this paragraph be inserted in the proposed Report.—The Committee divided:

Ayes, 4.	Noes, 7.
Mr. Liddell.	Mr. Knatchbull-Hugessen.
Mr. Assheton.	Mr. Pease.
Mr. Hambro.	Earl Percy.
Mr. William Lowther.	Mr. Whitwell.
	Colonel Edwardes.
	Mr. Knight.
	Colonel Amcotts.

Amendment proposed, after Paragraph 14, to insert the following paragraph: "Your Committee recommend that the central authority should have power to vary the time during which it shall be lawful to sell salmon taken in particular districts, according to the requirements of those districts"—(Earl *Percy*).—Question put, That this paragraph be inserted in the proposed Report.—The Committee divided:

Ayes, 7.	Noes, 3.
Mr. Knatchbull-Hugessen.	Mr. Liddell.
Earl Percy.	Mr. Pease.
Mr. Whitwell.	Colonel Edwardes.
Mr. Assheton.	
Mr. Knight.	
Colonel Amcotts.	
Mr. William Lowther.	

Paragraph 15, amended, and *agreed to.*

Question, That this Report, as amended, be the Report of the Committee to the House, put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Expenses of Journey to London and Back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. John Henry Phillips.	Land Surveyor - -	Newton, Yorkshire.	3	4 15 -	6 6 -	11 1 -
Mr. George Henry List.	Chief Constable of Berwickshire.	Haddington	3	*	3 13 -	3 13 -
Mr. Samuel Roberts -	Civil Engineer - -	Galway -	5	7 10 -	15 15 -	23 5
Mr. Richard Gray -	Civil Engineer - -	Dublin -	3	6 - -	9 9 -	15 9 -
Captain Whyte - -	Royal Navy - -	Instow, Barnstaple.	3	5 3 -	3 3 -	8 6 -
Mr. J. E. C. Walkey -	Gentleman - - -	Ide, Exeter	3	3 10 -	3 3 -	6 13 -
Mr. Alexander Miller	Lessee of Fisheries -	Chepstow -	3	2 6 -	3 3 -	5 9 -
Mr. William Dunbar -	Lessee of Fisheries -	Golspie -	7	14 6 -	7 7 -	21 13 -
Mr. Frederick Fane -	Member of Fishery Board.	Ringwood, Hampshire.	2	2 7 4	2 2 -	4 9 4
Mr. William Lisle -	Fisherman - - -	Cullercoats, North Shields.	3	2 8 -	1 10 -	3 18 -
Mr. Thomas Bolam -	Fisherman - - -	Cullercoats, North Shields.	3	2 8 -	1 10 -	3 18 -
Mr. Jeremiah Wilson -	Foreman Boiler Maker	Stockton -	3	3 5 8	1 10 -	4 15 8
Mr. George Hale -	Joiner - - -	Stockton -	3	3 5 8	1 10 -	4 15 8
Mr. David Lewis -	Fisherman - - -	Carmarthen	3	2 16 -	1 10 -	4 6 -
Mr. Thomas Harris -	Gentleman - - -	Llandyssil, Carmarthen.	5	6 8 -	5 5 -	11 13 -
Mr. Thomas Garnett -	Manufacturer - -	Clitheroe -	3	4 - -	3 3 -	7 3 -
Mr. Richard Cail -	Civil Engineer - -	Newcastle -	3	5 1 -	9 9 -	14 10 -
Colonel George Morland Hutton.	Secretary to the Trent Fishery District.	Gainsborough	3	2 17 8	3 3 -	6 - 8
					£.	160 18 4

* *N.B.*—Mr. List was summoned to attend another Committee, and was kept three days in attendance before this Committee, and received an allowance of 10*s.* for expenses of messages by telegraph, &c., in order to obtain the requisite information for the Committee.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

PAGE

Friday, 11*th March* 1870.

Mr. Spencer Walpole - - - 1

Tuesday, 15*th March* 1870.

Mr. Spencer Walpole - - - 16

Tuesday, 22*nd March* 1870.

Mr. Spencer Walpole - - - 26

Friday, 25*th March* 1870.

Mr. Frederick Fane - - - 45
Mr. Edward Matthew Fenwick - 53

Tuesday, 29*th March* 1870.

Colonel George Morland Hutton - 63
Mr. John Henry Phillips - - 72
Mr. Arthur Mostyn Owen - - 81

Friday, 1*st April* 1870.

Mr. William Cuthbert - - - 87
Mr. George Henry List - - - 98

Tuesday, 5*th April* 1870.

Mr. John Frederic Bateman - - 104
Mr. Samuel Usher Roberts - - 114
Mr. Richard Armstrong Gray - - 122

Friday, 8*th April* 1870.

Mr. John Willis-Bund - - - 126
Captain Robert Charles Whyte, R. N. 143

PAGE

Tuesday, 12*th April* 1870.

Mr. Elliott Collyns Walkey - - 152
Mr. William Trelawny Hallett - 160
Mr. Frank Buckland - - - 164
Mr. George Augustus Haig - - 164
Mr. John Lloyd, jun. - - - 171

Tuesday, 26*th April* 1870.

Mr. Alexander Miller - - - 177
Mr. Frank Buckland - - - 192
Mr. William Dunbar - - - 192

Tuesday, 3*rd May* 1870.

Mr. William Lisle - - - - 200
Mr. Thomas Bolam - - - - 213
Mr. Jeremiah Wilson - - - 216
Mr. George Hale - - - - 224

Tuesday, 10*th May* 1870.

Mr. Thomas Lechmere Marriott - 228
Mr. David Lewis - - - - 234
Mr. Thomas Harris - - - 238
Mr. Richard Cail - - - - 242

Tuesday, 17*th May* 1870.

Rev. Scott Frederic Surtees - - 247
Mr. Thomas Garnett - - - 264

Thursday, 26*th May* 1870.

Mr. Thomas Francis Brady - - 269

Tuesday, 31*st May* 1870.

Mr. Thomas Francis Brady - - 280

MINUTES OF EVIDENCE,

REFORM CLUB
PALL MALL

Friday, 11*th March* 1870.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Herbert.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. William Lowther.
Mr. Pease.
Earl Percy.
Mr. Evan Richards.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Spencer Walpole, called in; and Examined.

Mr. *S. Walpole.*

11 March 1870.

1. *Chairman.*] You are one of the Inspectors of Salmon Fisheries for England and Wales, are you not?—I am.

2. When were you appointed?—Just three years ago.

3. And you have held that appointment continuously for the last three years?—I have held the appointment continuously for the last three years.

4. What are the duties of your office?—I think I may say that the duties of my office are, in conjunction with my colleague, the general supervision over the salmon fisheries of England; the inspection of the salmon rivers of the country, generally advising the Home Office on all questions relating to the administration of the salmon fisheries, and the preparation of annual reports for Parliament.

5. In the discharge of your duties, you necessarily become well acquainted with the circumstances of the condition of the salmon fisheries in England and Wales?—I have naturally had great opportunities of becoming intimately acquainted with the condition of the salmon fisheries.

6. Prior to your appointment, I presume you had studied carefully the reports of your predecessor?—Certainly, I had made that my business.

7. And also the evidence which was given before the Royal Commissioners of 1860?—Yes, I have read the evidence given before the Royal Commissioners of 1860.

8. Will you be kind enough to state to the Committee in a few words what you consider to be the state of the rivers in England generally before the year 1861?—I have no wish to refer to the state of the rivers in England before the year 1861, except so far as may be necessary to show the progress made since the year 1861. I will not trouble the Committee with references to the Reports which they have before them; but I believe there is tolerably good evidence that the people who were most competent to judge assumed that the value of the fisheries before the year 1861 was about 30,000*l.* a year. That estimate has been made, apparently, on private authority; but by of one who I believe is well acquainted with the circumstances of most of our rivers, Mr. Ashworth, and I have his authority for saying that that estimate was made after communication with my predecessor, Mr. Ffennell, so we may assume that it was made on official data. That estimate has been extensively followed by everyone who has written on the subject. Mr. Ashworth's words are as follows: "Whereas the salmon fisheries of Ireland were reported by the Commissioners many years ago to produce 300,000*l.* a year and more, and they are now estimated at a value of 330,000*l.*, it is very improbable that the salmon fisheries of England and Wales are worth 30,000*l.* a year, although the quantity of water naturally available for salmon in England is far greater than in Ireland."

9. What is the date of that statement?—This pamphlet is dated 1868, but I wrote to Mr. Ashworth for his authority, and he says: "With regard to our English salmon fisheries, Mr. Ffennell and I made a calculation as well as we could from the evidence of the number of men employed." And, as Mr. Ffennell died in the early part of the year 1867, that must have been done considerably before the date of the pamphlet.

10. Have you any estimate to give to the Committee with regard to the value of the salmon

Mr. *S. Walpole.*

11 March 1870.

fisheries at this time?—I have endeavoured to arrive at a calculation of their value.

11. And what is the result?—I will explain to the Committee the principle on which I have proceeded. The only possible way which I know of forming an accurate calculation on that subject is by taking the returns which we annually publish of the licenses issued in various rivers, and then finding out the number of men engaged in salmon fishing, to estimate their average profits, and so arrive at the total value of the salmon fisheries of this country. That is the principle on which I have proceeded. I have here the returns of the license duty; and I find that, excluding rod licenses and general licenses, the latter being very insignificant, there were last year 2,879 men engaged in net fishing in England in the 34 districts from which we have received returns, and that those men paid 4,613 *l.* for their licenses.

12. Have you the number of rod licenses also?—I have the number of rod licenses also. The number of rods was last year 1,912, and they paid 1,301 *l.* for their privilege of fishing.

13. And then there are the general licenses; what did they amount to?—They were only 23 in number, and the amount was 308 *l.* I exclude the general licenses and the rod licenses, because those licenses are taken out for a matter of sport, by gentlemen who pay more than the commercial value of the fisheries. Now we have got 2,879 net fishermen paying 4,613 *l.* for net licenses, and I proceed to assume that each fisherman fishes on an average for about 25 weeks, which I think is a fair assumption. I assume also that each fisherman must earn at least 12 *s.* a week (I put it purposely at a low figure) during the fishing season.

14. That is to say 15 *l.* a year?—Yes, 15 *l.* a year profit, and that I multiply by 2,879; I think it ought to be higher than 12 *s.* a week, but I wish to put it low against myself.

15. The result appears to be that it would amount to a sum of 43,185 *l.*?—It is between 43,000 *l.* and 44,000 *l.*; I think you have given the exact figure. To that sum we have to add certain outgoings which are absolutely essential before a man can undertake the fishing; first there is the license duty, which he must pay out of his profits; secondly there is the rent of all the "several" fisheries in the country, and that is very considerable; and, thirdly, there is a still larger item, that is to say, the outlay on implements of trade, nets, boats, and so on. My own opinion is, and I do not think my estimate is exaggerated, that we must multiply the license duty by four in order to get at the total amount of this outlay, that is to say, the rent of all the exclusive fisheries, and the value of the nets and boats, is three times as large as the amount of the license duty.

16. That comes to 18,452 *l.*, does it not?—I think so.

17. Have you anything to add to that?—Those two totals of 18,000 *l.* and 43,000 *l.* give us the total value of the fisheries in the 34 districts, which make 61,000 *l.* in round numbers; to that we must add the rivers that are not in districts.

18. Can you give the Committee roughly the proportions of the rivers of England, not in fishery districts as compared with those which are in fishery districts?—I can give it in very few words. The rivers not in fishery districts support, so far as I can judge, about 480 net fishermen or not quite a sixth of the number fishing in rivers in districts, and, applying exactly the same calculation as was applied in the other case, I place their profits at 10,000 *l.* a year. I assume, then, that the net fisheries of England are worth certainly 70,000 *l.*, and I believe this assumption to place their value at the lowest possible sum. In fact, my point is that since the Salmon Fisheries Act of 1861 was passed, on the lowest estimate the value of the net fisheries has more than doubled.

19. As against 30,000 *l.* before the passing of the Act of 1861, you estimate that the present value is about 70,000 *l.*?—Yes; taking it on an extremely moderate basis, and excluding all question of sport.

20. That was excluded in the former calculation also, I suppose?—I have no doubt it may have been.

21. Is there any particular river that you wish to mention to the Committee?—I will mention very briefly two rivers. The value of the River Dee Fishery, according to my estimate would, in 1867, have been 3,034 *l.*; in 1868, 5,665 *l.*; and in 1869, 3,110 *l.* While the conservators of that river in 1867 estimate the produce at no less than 17,000 *l.* I quote that as a striking proof that my estimate for some of the rivers is very much below the mark; in others no doubt it may be a little above the mark.

22. In the year 1869, the amount appears to be considerably below the amount in 1868; that is to say, it is 5,000 *l.* against 3,000?—Certainly.

23. Will you kindly explain that?—In the first place, I should state that the decline represents a decrease in the number of licenses; but not in the number of men engaged in the fishery. The conservators have been unable to prevent a system which was carried on last year of transferring licenses; a man takes out a net license in the Dee, and he sublets it to some other fisherman when he is not using it himself, and, therefore, to use the conservators' own words, while "the same number of fishermen have been at work in the tidal waters during the last season, as there were before," the system of transferring licenses has enabled those men to carry on the fishing with about half the number of licenses. The Committee will see how materially that affects my calculation, for as that calculation proceeds entirely upon the number of licenses taken out, I can only quote the number of men who appear in the official return of licenses.

24. Perhaps another inference is that the law requires amendment with regard to the granting of licenses for net fishing?—Certainly.

25. Is there any other river that you wish to mention to the Committee?—There is the Ribble, which we have also estimated; according to the calculation which I have applied to the country generally, the value of the Ribble fishery was, in 1867, 5,504 *l.*; in 1868 4,840 *l.*, and in 1869, 4,960 *l.*; but the conservators tell us in their official report that from 15,000 to 16,000 fish were taken from that river in 1867; in 1868 there were 13,000, and in 1869 there were 6,852 fish; on an average, therefore, something like 12,000 fish must have been taken in each year, and the money value of 12,000 fish would be certainly higher than the money value assigned to the river Ribble in my calculation.

26. You

26. You draw the inference that there has been a very considerable increase in the value of the salmon fisheries of England and Wales since the passing of the Act of 1861?—Quite so.

27. Has that increase been progressive during the whole of that period, or has it fluctuated?—I think, speaking generally, it has been progressive; in particular cases, there has been, no doubt, retrogression.

28. Do you think it probable that that increase will continue to progress in future?—Again, speaking generally, I think it will continue. I can show the Committee, subsequently, that when the increase has arrived at a certain point, the law of fishing is so lax, that the rivers do sometimes, in consequence of our fishing, begin to decline.

29. That result, however, would depend very much upon the character of the new legislation that we hope may take place, would it not?—I am only speaking of the facts as they are under the existing legislation.

30. What do do you think are the principal causes of the increase?—I think the increase is distinctly due to the provisions of the Act of 1861; and perhaps the Committee will allow me to point out that if you are examining the increase in the salmon fisheries, you must always carry yourselves back for three years at least, in order to ascertain the causes to which the increase is due, because we cannot reap the harvest in salmon fisheries until three years after the seed is sown, that is to say, the causes must be three years anterior to the effects.

31. Have you anything to show the alleged improvement from 1861 to 1862?—I think that that improvement was entirely due to very favourable weather, and not to the consequences of the Act of 1861; I do not think it possible that the effects of the Act of 1861 could have been visible until 1864 or 1865, because the fish bred in 1861, the young fish, in fact, that were hatched in the spring of 1862, could not have been caught as salmon or grilse until 1864 or 1865, on the most favourable hypothesis.

32. To what particular provision of the law do you think the existing improvement may be principally attributed?—I think the improvement may be traced partly to the preservation of the fish, before and after spawning, and partly to the removal of fixed obstructions, and to the remedies applied to obstructions generally, and perhaps still more to the general attention which the legislation of 1861 excited, and the consequent local efforts made all over the kingdom to promote the cultivation of our rivers.

33. Do you wish to make any special reference on that point to the circumstances of the Tyne?—I have no objection to do so; I have no doubt that the great improvement in the Tyne, as no one knows more fully than you do, or has pointed out more frequently, was due to the removal of one obstruction in that river; Mr. Wentworth Beaumont threw down the Bywell dam soon after the Act of 1861 was passed; since then the main river of the Tyne has been free from obstructions, and the increase was far more signal than in any other river, up to a certain point, when, in consequence of the introduction of a new kind of fishing out at sea, the Tyne began to retrograde. The Tyne, then, is one of those rivers where, the increase having reached a certain point, from the fact that the law is not stringent enough to restrain the fishermen, an excessive amount of fishing has been carried on; and, we find retrogression instead of progress.

34. I believe that you desire to show the Committee, by means of two maps, the actual state of the English and Welsh rivers at the present time?—Yes; perhaps it will enable the Committtee to see it at a glance more easily than any mere words of mine can explain; those maps (*pointing to them*) are Ordnance maps; the smaller map is an admirable map, brought out by the Topographical Department, which shows clearly the watersheds of our great rivers: I produce that map in deference to a wish of the honourable Member for Kendal; the larger map I have had coloured under my own directions, in order to show the difficulties attending salmon cultivation at the present time; each of those colours represents a particular state of things so far as salmon is concerned. I may say that I do not pretend that the map is absolutely accurate, because that would be impossible; but it is, I believe, sufficiently accurate to give the Committee an idea of the subject.

35. Will you kindly explain to the Committee the difficulties to which you refer?—The Committee will see that a large portion of the map is coloured red, namely, a large portion of the east of England, and certain sections on the south and west of England; that red colour represents the part of England which I believe to be physically unsuitable for salmon, at all events, in a commercial sense; there is a large area of country that we can never get to produce salmon, in any commercial sense at all events; and so we may exclude that from any future calculations; wherever I have had a doubt on the point whether a river is physically fit for salmon culture or not, I have always given the salmon the benefit of the doubt, and not coloured the map red; the only possible exception is a small river in Sussex, the Arun, which I have coloured red, but I am confident that it is not commercially a salmon river; the next large colour is purple, and the whole of that section to the right of the white line represents the area of the Thames; the section on the left represents the Bristol Avon; I doubt the latter being a salmon river, but many people think it is. That purple colour represents those rivers from which salmon have been excluded by the joint action of weirs and pollutions; I have opinions of my own with regard to whether it is the weirs or pollutions which in these places are to blame, but as these opinions are disputed, I have left that an open question; at all events there are no salmon there in any part of the country indicated by that colour.

36. Weirs and pollutions or one of those causes?—The two combined are represented by the purple colour. The only other purple colour represents the tributary of the Trent, the Derwent, and some of the higher waters of the Trent above Burton-upon-Trent. The Derwent is polluted by the sewage of Derby, and is also obstructed by some very bad weirs. The black, for the Mersey and some of the rivers of Lancashire, tells its own story; that is where pollution interferes with salmon cultivation.

37. What is that piece of black at the extreme top of the map?—That black space represents the South Tyne and the Derwent, two very large tributaries of the Tyne. You will see in the Tees district that I have coloured the whole of the Skerne black, owing to the pollutions of Darlington.

Mr. *S. Walpole.*

11 March 1870.

38. The pollutions extend only three miles up, I believe?—But they are in the lower parts of the river, so they exclude the salmon.

39. Mr. *Knight.*] What is that little Devonshire pollution?—The black spot in Devonshire is occasioned by some very virulent mines on the Teign; they are very poisonous and they have effectually excluded salmon from the river. The other black portions represent the "Black Country" and the Stroud Valley. The small speck in the middle of Wales represents two rivers, the Ystwith and Rheidol, which have been absolutely ruined by lead mines and pollutions; it is the most signal instance of destruction by mine pollution in the whole country.

40. Colonel *Edwardes.*] What is that piece to the south of the map, at the bottom?—That represents a great many small rivers in South Wales in the neighbourhood of Swansea. On the right of the white line is a tributary of the Usk, the Ebbw; the white lines are intended to mark out the divisions between the catchment basins of the different rivers, where the colours run into each other. The next colour is green: I intend to represent by the green a matter which the honourable Chairman is particularly interested in, namely, the rivers from which salmon are certainly excluded by weirs. The green does not represent the whole extent of the weir question, but it represents those rivers from which salmon are entirely excluded by weirs. Those rivers are a large tributary of the Severn, the Avon and its tributaries, the Leam and others. There again is a question whether this Avon is a salmon river or not, but I give it the benefit of the doubt. Unquestionably, if it be a salmon river, salmon are excluded from it by weirs.

41. You think that it ought to be a salmon river?—I think it might be, and I know a great many people who think so. The other green patches in that part of the map are some tributaries of the Wye, which the Committee will see in the middle of Wales. Some of them form part of the Monnow; the one on the top is a very important tributary, the Lug, while below it is the Clearwyn. They are all unquestionably salmon rivers, and salmon is unquestionably excluded from all of them by weirs. On the top of Wales you will see a small green patch, below a blue patch, which shows the amount of spawning ground in the Conway, from which salmon are excluded by the Conway Falls. To go more north, the extreme patch of green represents a considerable tributary of the Eden, which joins it close to Carlisle. I am referring to the Caldew; the salmon are entirely excluded from that river by weirs. The small patches of green in the other parts of Cumberland and Westmorland are insignificant, but there is a large patch in Yorkshire, which represents the Wharfe.

42. Where is the dam, in that case, that excludes the salmon?—There are a series of dams beginning with the one at Tadcaster; above it there are two dams not very formidable, and then there is a very high dam at Wetherby, and another one, which belongs to the county, at Harewood Bridge, which is an absolute obstruction. We now come to the colours where the salmon are, yellow, brown, and blue; the yellow represents those cases where the difficulties are most formidable to the salmon; the brown represents rivers where there are difficulties, but where they are less. If a weir was provided with a pass I should colour the river above it brown; if it was provided with no pass, I should colour it yellow, the yellow representing more formidable difficulties than the brown. I ought to say, in one or two cases, that the yellow and brown include other difficulties beside weirs. Thus I have shown the Ure, yellow.

43. Have you anything to say to the Committee with regard to Linton Lock?—Salmon pass over Linton in the autumn of the year. On the Ure the salmon get up at the back end of the Ure to the topmost water of the Ure. Before the Act of 1861, the Ure was famous for smolt fishing, that is to say, the breeding fish got up, and the best proof of it is that large numbers of young salmon were caught by rod and line.

44. Will you now take the Swale?—The Swale I have also coloured yellow, because, though the Topcliffe Dam is a very serious obstruction, salmon do pass over it in high winter floods; it is not an absolute bar to the ascent of fish.

45. The blue is another colour in this group?—Yes. The yellow represents formidable difficulties; the brown, moderate difficulties; the blue, comparative freedom from difficulties. The Committee will see that on the Tees, for instance, I have coloured all below Dinsdale blue, and all above it I have coloured yellow; that yellow represents the difficulties presented to salmon by Dinsdale Dam; it is not an absolute, but it is very nearly an absolute exclusion. Below that again we get at a very large patch of yellow, the Swale and the Ure (most important tributaries of the Humber), part of the Wharfe, and the whole of the Derwent, and its tributary, the Rye. Below that again we get the whole of the Trent, above the Donnington Dam, belonging to the Hastings' family.

46. And that excludes the portion coloured yellow in the centre of the map, does it not?—That excludes the portion coloured yellow in the centre of the map; again when we get to the Severn district, I have coloured the whole of the Teme, which joins the Severn at Worcester, yellow, because the difficulties are still very formidable, though they are being surmounted; I hope that, in another year, the passes which have been built on the Teme may enable me to colour that river brown. Then on the left of the Teme you will see a small patch of yellow stretching down to the west coast of Wales, which represents, not difficulties from weirs, but from lead mines. I am referring to the Dovey; below that there is a very small patch which represents the Ayron, which is blocked by a difficult weir. On the south coast there is a large patch which represents all the Hampshire and Wiltshire rivers, which are extensively blocked by weirs; further west we get to the Exe, which is almost entirely blocked by weirs; and to the west of that again we get other rivers, the chief of which are the Tamar, the Fowey, and the Camel, which are extensively polluted. With regard to the brown portion of the map on the north, we get the Northumberland rivers, the Alne and the Coquet, where there are also very formidable weirs; which, however, the Duke of Northumberland has almost effectually remedied. Below that again there is a part which the honourable Chairman knows better than I do, which is extensively injured by mines, but not seriously enough to colour it yellow. I am alluding to the Wear. On the left of that

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is that portion of the main river of the Eden, which is above the high dam, in the centre of the Eden, the Armathwaite Dam. That represents a certain obstruction to the fish, and I have coloured all above it brown. Below that we get to the Kent, which is extensively blocked by weirs, and also by an important fall. I have coloured that brown, because it is not bad enough for yellow. The whole of the lower portion of the Trent is blocked by navigation weirs, so I colour that brown. The whole of the Dee is blocked by weirs, and that also is coloured brown. The whole of the Severn above the lowest navigation weir, is more or less affected by those navigation weirs, and that also is coloured brown. The only other parts coloured brown are on the Taw and Torridge, and the East and West Ueddy, on the extreme west of Wales, which are also affected by weirs, and which are coloured brown.

47. Colonel *Amcotts.*] Do you exclude the Trent as a commercial river with regard to salmon?—No, by no means. The brown means rivers injured by weirs or otherwise, but not so seriously as to be deprived of all commercial value.

48. You said, I believe, that all the district coloured red is of no value in a commercial sense?—Yes. I include a small portion of the Trent in the red (the Leicestershire tributaries) because they cannot produce salmon. The main river of the Trent up to Donnington is coloured brown, because I think it a commercial river, though it is affected by weirs. I have only one point more to mention with regard to these colours, and that is the blue. The blue represents comparative absence from all difficulties.

49. *Chairman.*] Will you be good enough to explain to the Committee what those lines are around the coast?—Those lines represent the boundaries of the fishery districts formed under the Act of 1865, by the Secretary of State for the Home Department.

50. Where the Committee do not see any lines, that portion of the sea coast is not included in any fishery diistrict, I believe?—That is so. My general conclusions are, that in the blue there are 7,065 square miles of superficial area; in the brown, 7,824; in the yellow, 9,213; in the green, 3,509; in the purple, 8,138; in the black, 6,529; and, in the red, 15,980; those are approximate figures as near as I can make them out.

51. Can you give the Committee the extent of the fishery districts?—I am afraid that it would be impossible to give that in figures; I have merely got the extent so far as the coast is concerned.

52. Have you any general observations to make to the Committee upon this part of the subject before we pass to another topic?—No; only that the fact must be clear to every one that there is an enormous amount of country which is capable of producing salmon and yet produces none at all, and practically there is a large amount of work to be accomplished by any one interested in salmon cultivation.

53. Do you find the absence of fish-passes over weirs one of the greatest obstructions to the improvement of salmon fisheries?—Unquestionably it is a great detriment; but I think that the obstruction has been extremely exaggerated, that is to say, I think the Committee is hardly aware of how much the Act of 1861 has been able to effect upon this point. I think that the provisions of the Act of 1861 have been underestimated.

54. Do you think that the Act of 1861 is sufficient for the purposes of the salmon fisheries of this county, or do you think that the Act of 1861 is capable of amendment in some particulars?—I think it is capable of amendment in certain points.

55. Will you be good enough to explain to the Committee what those points are?—I think the main omission in the Act of 1861 in dealing with weirs, or at all events the main omission which I think ought to be remedied, is that there is no power to take weirs on compulsion by purchase; I think that is the first great defect in the Act of 1861.

56. Do you think that that power should be conferred by Parliament?—Individually, I do think so; I may say that that is very strongly my opinion.

57. Have you at all formed an opinion, with regard to the manner in which that power should be given?—I think it might be given by extending the clauses of the Lands Clauses Act for salmon purposes, that is to say, by applying the machinery of that Act for taking weirs by compulsory purchase.

58. That is to say, compensating the owners, of course?—Yes; I think that is implied by the Act; you go before a jury to ascertain the value of the property, and the Act points out certain ways in which the value of the property is to be arrived at.

59. How would you put the machinery of the Lands Clauses Act into operation, in the first instance?—I think it might be initiated by boards of conservators, but that their action ought to be restrained by some central authority, which I assume to be the Home Office.

60. Are you aware that local boards may obtain, through the Home Office, authority to purchase land for the purpose of widening streets, and for other purposes?—Yes.

61. A provisional order is made in the first instance, and that is confirmed by Parliament?—Yes, I am aware of that.

62. Do you think that similar machinery would be applicable to the present case?—I think so.

63. And you think that it would be unobjectionable?—Yes, I think it would be absolutely unobjectionable; assuming that the compensation is calculated on fair principles, I see no objection whatever.

64. The compensation payable under the Lands Clauses Act would, of course, have to be paid by the persons interested in the fisheries?—Yes.

65. How do you propose to raise funds for that purpose?—That is rather a question for the Board of Conservators; one clear way is by mortgaging their license duties, and another clear way is by subscription; in certain cases a rate might be resorted to, but those cases, I believe, would be very few. These are three clear ways which must suggest themselves to any one. I may perhaps add that though I do not believe the power would be extensively used, I think that the fact of Boards of Conservators having the power to take weirs by compulsion would be of great assistance in dealing with the weir owners.

66. That is to say, in enabling them to make arrangements much more readily than they can now do it?—I think so. If the weir owner

Mr. *S. Walpole.*

11 March 1870.

saw that we had that power, in case he declined any reasonable suggestion, he would be more inclined to accede to the minor proposition.

67. Are you familiar with the cases where the absence of a pass over a dam is productive of very much loss?—Certainly; that map would prove it.

68. I think you have made some classification of the rivers that are affected in various degrees?—Yes; but my classification which has reference to the rivers which have decreased in value, goes to prove that in the cases where the decrease has been most visible, it is not attributable to the absence of power for taking weirs; I made that classification to show that the view which most people take of salmon subjects is mistaken; that the weir question is not absolutely the first question to deal with, although it is an important question.

69. Will you give the Committee your opinion with regard to the present condition of the Tyne, and other productive rivers, with regard to weirs?—The productive rivers of the country have either no weirs in them at all, or the weirs in them have been almost entirely remedied; by the productive rivers of the country, I mean the Tyne, the Ribble, the Eden, the Dee, the Teify, the Towy, the Severn, the Wye, and the Usk. Those are the nine rivers which I class as the most productive rivers of the country; one of those rivers, the Tyne, is free from weirs; the Eden has only one small weir, and the Ribble only one, which is a greater obstruction, but has already been provided with a pass. With one exception, the weirs on the Dee are provided with passes; the Teify and the Towy are, speaking generally, free from weirs; all the weirs on the Usk have been provided with passes; the Wye is entirely free from weirs, and the weirs on the Severn are gradually being provided with passes; in fact, I may say, most of them are so provided.

70. The Committee had supplied to them, last Session, a Parliamentary Return with regard to passes, on which I believe you wish to make some observation?—Yes. That Return represented the number of passes which had been approved by the Home Office, which was insignificant in number, being only five; and it has been extensively supposed by most people, and certainly by one witness before this Committee, that that Return represented all the work which the Home Office had done within the last four years in the way of building passes. The real fact is, that that Return only represented, and was only able to represent, the passes which had been approved of, and did not take into consideration the numerous passes built under the Act of 1861, but which, for a minor reason, had not been formally approved of.

71. Are there some privileges attaching to passes constructed under the sanction of the Home Office?—There are advantages and disadvantages; the advantages are, that the pass is recognised by law, and that no one may obstruct the fish passing through it without incurring divers penalties. The disadvantages are, that in a great many cases if a pass is approved the owner acquires the right of net fishing immediately below it. The conservators of rivers generally consider that the disadvantage of allowing an owner to acquire the right of net fishing more than counteracts the advantages to be obtained by the formal approval.

72. Then in fact the Parliamentary Return by no means represents all that has been done in the way of the construction of passes during the last three years?—By no means.

73. What have been the results of the Act of 1861 in that particular?—Instead of five passes, according to that Return, having been built in four years, the fact is, that in the three years during which I have been connected with the salmon fisheries, upwards of 50 passes have been built.

74. Is there any list of those passes that could be produced before this Committee?—I have the list before me.

75. Your Report for last year has not yet been published, has it?—No, it is in the printer's hands, but I have placed in it a record of the work done in three years; I may say that I am not claiming it as work actually done by the Home Office, but I am claiming it as a record of work, done by different people, and due to the fact that the Act of 1861 was passed; five weirs have been provided with effective passes on the Aln; two weirs have been provided with admirable passes on the Coquet, and another pass on that river has been materially improved; three weirs on the Leven (Windermere) were provided two years ago with passes, on which I was individually consulted, and the chairman of the Board reports to me that these passes have proved effectual; two passes on the Lune, one on the Ribble, and one on the Dee, have been altered; a pass has been constructed on the Clwyd, another on the Seiont; two passes have been made on a tributary of the Usk; the passes on two other tributaries have been improved, and two new passes, one on the main river and one on another tributary, will be made in the forthcoming summer; two new passes have been built on a tributary of the Wye, and a third will almost immediately be constructed; some of the passes on the navigation weirs of the Severn have been improved, and two new passes have been built at Poolquay and Glenhafrons; one new pass has been built on the Teme, and another pass has been altered; plans for a new pass have been approved for Penarth, and six new passes have been made on the Verniew and its tributaries; two new passes have been made in the Taw and Torridge fishery district; one new pass has been built on the Camel, two on the Fowey, one on the Tamar, one on the Tavy, and another pass on that river has been altered; one on the Erme, one on the Dart, three on the Exe, one altered on the Canterbury Stour, one on the Little Stour, one on the Tame, and one on the Yorkshire Esk; what I wish to prove is, that the Act of 1861 has been materially useful in remedying the weir evil.

76. And it has, in fact, produced much more good than that Parliamentary Return indicates?—Yes; and it has produced much more good than people generally suppose.

77. What is your opinion of the present provisions of the Act of 1861 with regard to weirs; first, with regard to fishing weirs, and next as to fishing milldams, that being the division made by the Act?—I think everybody agrees that the provisions with regard to fishing weirs are satisfactory, namely, that the fish shall have one-tenth of the breadth of the stream; I think nobody can desire anything more than that.

78. Then with regard to fishing milldams, what is your opinion?—With regard to fishing milldams, it is an unfortunate accident that the term fishing milldams should have been invented in 1861. Fishing milldams are dams erected

erected partly for fishing and partly for milling purposes.

79. That is the definition given by the Act of Parliament?—Yes, that is the definition given by the Act of Parliament. Therefore *quâ* the fish, they represent precisely the same obstruction as a fishing weir; that is to say, one is built entirely, and one partly, for catching fish, but *quâ* the fish, they are both equally efficient in capture. But while the Act of Parliament enacts that fishing weirs must have a free gap, it only enacts that a fishing milldam shall have a ladder, or a pass attached to it, the result being that while a fishing weir is provided with a sufficient escape for the fish, a fishing milldam is provided with what is a very inefficient escape.

80. Then with regard to fishing milldams, you think that further legislation is requisite, do you not?—My own recommendation on that point is that no fishing should be allowed at any dam without the owner is willing to consent to the condition imposed on the owner of a fishing weir, that is to say, unless he will give a free gap for the passage of fish I do not suppose that the owner will give that, therefore my proposal practically amounts to the prohibition of all fishing at or near milldams.

81. Would you in dealing with fishing milldams, draw any distinction between fishing milldams that have existed as such for centuries, and those more recently erected; in other words, between legal and illegal fishing milldams?—I draw this distinction; in the case of an illegal fishing milldam, I would under no circumstances allow it to be used for the capture of fish; in the case of legal fishing milldams, I would give the owner an option between his fish and his milling power (for that is what it practically comes to); and if he prefer to use it for fishing purposes, instead of milling purposes, I ask him, in exercising his right, to give us the same advantages as are given by the Act of 1861, in the case of fishing weirs.

82. That is the distinction which you draw between those that are legal, and those that are illegal?—Yes.

83. How would you define which are legal, and which are illegal?—I presume that I could take no other definition except that which has been adopted by the Act of Parliament.

84. That is to say, of having the legality of them inquired into?—Quite so, and determined by certain rules which the law has laid down. The Committee are aware that there is a tribunal which has been properly appointed for that purpose.

85. Do you wish to make any special reference to a weir upon the Avon in Hampshire?—My only reason for instancing that particular weir is that there is a peculiar obstruction in existence there which only exists in one other weir in the kingdom; the weir is composed of sluices, so that the whole of the weir can be taken away bodily. When these sluices are drawn out, racks are let down in their place; these racks consist of gratings, which let the water through, but which will not admit the passage of the fish; therefore, when the owner wants to tempt the fish up to the weir he opens his sluices, and let down his racks, and thus detains the fish below the weir; he then closes his sluices again, and sweeps the net around and catches the fish.

86. With regard to these dams, would you make any provision with regard to net fishing in their vicinity as is now allowed at some ordinary dams?—In ordinary dams, as I have already stated to the Committee, when the pass is approved of, if water is flowing through the pass the owner is allowed to exercise the right of net fishing immediately below. That right I think it is necessary that he should be asked to give up. A ladder is not sufficient, in my judgment, where the right of fishing is exercised; and therefore where the right of fishing is exercised within a certain distance of a dam, I wish to insist upon a free gap of the form and dimensions prescribed by law in the case of fishing weirs.

87. You think that the provisions of the present law as affecting those ordinary dams are inadequate?—I think they are inadequate, in so far as the owner acquires the right of net fishing if the pass be approved by the Home Office, consequently the Home Office is unable to extend the salutary provisions which arise from its approval of the pass for fear of the owner exercising that right.

88. Is that the only point in which, in your opinion, the law is inadequate?—It is the only one in which I see my way to its amendment with the exception of the point that I have already mentioned, that power should be given for the compulsory purchase of all dams; and I would extend that (though I know it is extremely difficult) by saying that we should have compulsory powers to purchase a portion of the water.

89. Either the whole of the dam in some cases, or in some cases a portion of the water flowing over the dam?—Yes.

90. Will you be good enough to explain that to the Committee more fully?—There are a great many weirs in this country which divert the whole of the water of the river into the mill leat; it is clearly essential for the fishing interests of the river, that some portion of the water should be confined to the natural channel; it may not be necessary to throw down the whole of the dam which would be very expensive; there might be no objection to say, "We will take a portion of the water, and compensate the owner of the dam for that portion which we so take."

91. You have been now speaking entirely of productive rivers, have you not?—Quite so. My point is this, that in productive rivers, those passes are being extensively built by conservators out of the proceeds of license duties.

92. Then, with regard to unproductive rivers. In what respect do you consider the law inadequate with regard to those rivers?—The reason why passes have not been built in unproductive rivers is principally due to the fact that the rivers being unproductive there are no funds for building them. Of course the only fund at the disposal of the conservators is that derived from the sale of licenses. Nobody will purchase a license unless there is some chance of catching fish; therefore, where there are no fish there can be no licenses, and where there are no licenses there can be no permanent works which cause expense in construction.

93. But are you not aware that in many cases, long before the license duties were imposed, large sums were raised annually for the purpose of the salmon fisheries?—I am quite aware that large sums were raised for the purpose of salmon fisheries, but I think that any careful perusal of my predecessors reports will show that people got very tired of paying those large sums for purposes

Mr. *S. Walpole.*

11 March 1870.

for which they received no adequate return, and therefore the subscriptions fell off.

94. In the Tees are you aware that any considerable sums were raised annually, and paid very cheerfully, and paid up to the very time when licenses were imposed?—I believe I am right in saying that they were raised in the Tees by voluntary assessment of the riparian owners, a principle which is not applicable to all rivers.

95. Was it not by subscription, having reference in some measure to the extent of frontage, but entirely voluntary?—I thought it was a voluntary assessment, the same principle as is now in force on the Tyne.

96. The construction of all those passes is mainly a financial question, is it not?—I think that the absence of their construction is due almost entirely to a want of funds.

97. In most cases you are of opinion that adequate passes may be constructed over all dams if sufficient funds are forthcoming?—I think that an adequate pass may be constructed over every dam. Of course the expense in some cases is so great that it would be a wiser thing to buy the dam up.

98. But there are cases, such as the High Force in the Tees where the result would be certainly out of proportion to the expense that would necessarily be incurred?—Nobody would wish to incur a very large expense in a case of that description where the results would be small.

99. You are not an engineer, I presume?—No.

100. Do you think that there is any difficulty in carrying out what was suggested before us last year with regard to making an opening in the dam, and placing a bar on the top of it?—I think there is no difficulty in making an opening in the dam, and in placing a bar on the top of it; that is a mere question of expenditure; but I think the result would in hardly any case (if I understand the proposal) warrant that expenditure.

101. Why not?—For this reason; this bar is to be put on the top of the dam so as to compensate for the water, which passes through the opening which is to be made; and that implies, if it is to be of any use, that the water of the river when it is low is sufficient for the purpose of the mill plus the purposes of this gap. That is what hardly occurs all throughout England; so far as my experience goes, milldams in England are nearly always made to take the whole of the water of the stream in low water, therefore it is plain that if the mill is working, and if this gap is working, in a very few seconds, if the bar is very small, the water would run down below the level of the bar, and the bar would be useless.

102. That only applies to a very short period of the year, does it not?—My view is, that it is a very long period of the year.

103. What is your idea of the proportion of time to which it is applicable?—Upwards of two years ago I was on the Swale. I was there late in October. There is a paper mill at Richmond, and, with one exception of a few hours, no water had passed over that dam for three months, that is to say, from the beginning of August to nearly the end of October. I need hardly say, that no water could probably have passed over that dam in the three preceding or summer months, when the river had been still drier.

104. But I suppose that August, September, and October are the three driest months in that part of Yorkshire?—I know that those months are very dry, but I think you would find that May, June and July are also terribly dry. Two years ago, when I was inspecting rivers, it was the rarest thing in the world for me to find a dam in which the water had not fallen many inches below the surface of the dam; it is a common occurrence to find no water within many inches of the surface of the dam. In fact, I may say, so far as my experience enables me to speak, that it is the normal condition of dams during the whole of the summer and autumn months; of course during the other six months when the river was in flood, the bar would be equally useless, because then there would be water running to waste, which could be applied for the purposes of the pass without the aid of the bar; in fact, the bar would not be of use either when the river was high, or when it was low.

105. With regard to the passes I think your colleague, Mr. Buckland, told us last year that he thought legislation was scarcely necessary, and that the millers throughout the country could easily be persuaded to do anything; do you think that it would be safe to depend on that?—I should wish to supplement persuasion by other means; I agree with my colleague that persuasion is a most powerful engine, and that we may do a great deal by it.

106. But is it safe to depend upon it in legislating with regard to the salmon fisheries?—We do not depend upon it now.

107. Now with regard to the special inquiries into the legality of those dams, what is your opinion of that?—If the Committee ask that question with regard to only ordinary dams, my opinion is that the special inquiry could not be attended with any useful results whatever.

108. What is an ordinary dam, according to your definition?—I was distinguishing between fishing milldams and ordinary dams.

109. But you think that no especial inquiry is necessary with regard to mere fishing weirs?—I think that the Act of 1865 exercised a wise discretion in allowing a special inquiry to be made into fishing weirs and fishing milldams, but in confining the inquiry only to dams where fishing was carried on.

110. And you think it useless, I gather from you, to have any inquiry whether the dam is legal or not?—My view is that it would be impolitic and useless to have it.

111. Do you wish to make any observations to the Committee with regard to the distinction between navigable and non-navigable rivers?—In the case of navigable rivers I believe I am perfectly right in saying that all the dams in them have been built under the distinct authority of Acts of Parliament, that is to say, Acts passed for the purpose of facilitating the navigation; consequently they have what I may call a Parliamentary title, which I think it would be extremely impolitic to disturb. No results could flow from a special inquiry, unless it is meant to prove that the dam is illegal; and my view is that as those navigation dams have been built under the authority of Acts of Parliament they are practically legal.

112. Do you desire to make some observation to the Committee with regard to the old statutes as to navigable rivers?—No; but with regard to the proposed application of the old statutes to non-navigable rivers, if certain old statutes were applicable to non-navigable rivers, then the greatest

greatest possible results would follow from special inquiry because the dams in them have been erected since those acts were passed; but my view of the case is that those old statutes apply only to navigable rivers, and I think that no results would follow in the case of navigable rivers, because the dams have been built under Acts of Parliament which have practically superseded the old statutes; and that no results could follow in the case of non-navigable rivers, because the statutes were never applicable to them.

113. What is the effect of pond-locks on the salmon?—Pound-locks were only introduced into this country 100 years ago; up to this time I am quite sure, from carefully reading the old laws on the subject, that the object of the Legislature was twofold, first to secure provision for the passage of boats in these great rivers, and secondly to secure provision for the passage of the fish, the first condition ensuring the second; before pound-locks were invented, that is to say, before the system of raising vessels by the action of the water to a higher level was known, there was necessarily an incline at every weir up which the barges were drawn, and those inclines were naturally available for the passage of the fish. The first pound-locks in England were, I believe, built by Mr. Brindley, when he made the Bridgwater Canal, and that date corresponds with the great decrease of the production of salmon in the great rivers of this country, the fact being that the introduction of pound-locks occasioned the erection of obstructions, which the old original weirs passable by barges had not presented.

114. Do you wish to make any observation as to the circumstances under which the Salmon Hall judgment was delivered?—Not exactly on the circumstances under which the Salmon Hall judgment was delivered, because that judgment was delivered under perfectly right and proper circumstances; but perhaps I may be allowed to make an observation on the argument, because I think the argument was entirely founded on the supposition that those old statutes were applicable to navigable as well as non-navigable rivers; that is one of the points which I am prepared to dispute.

115. Will not that question come before the Court of Appeal with respect to that judgment?—Certainly; I presume the Court must take that into consideration.

116. I presume that by and bye we shall have the decision of the Court upon it?—Certainly, and I have no wish to anticipate that decision; all that I wish to point out to the Committee is that certain authorities are quoted in that judgment; (I hope I may be understood as making no charge against the Special Commissioners;) but certain quotations which were made in that judgment have been repeated or referred to in the evidence before this Committee. I believe those quotations to be inaccurate, and I wish consequently to correct the inaccuracies that have crept into the evidence; all I propose to do is to refer to the evidence. Mr. Paterson in his evidence last Session, at Question 539, was asked, "Are you aware that the statute says that those Acts of Parliament shall be strictly enforced, which would seem to imply that they were already applicable to those non-navigable rivers; but with regard to the Statute of Edward the First, it says that it shall extend and be in force, as if it had not been extended by the previous authority of Parliament, but was by this Act to be extended to it?" and he replied, "Yes; I see that the Act of Anne uses the word extend; but I do not say that that is the construction which you are to put on it; I should not agree that that implies that the Act of 13 Edward 1st did not previously apply to that river, because Coke and Hale both say expressly that it applies to all rivers." All I wish to do is, without referring in any way to the Salmon Hall judgment, to lay before the Committee the passage from Coke, which I think the Committee will see does not bear the interpretation which Mr. Paterson put upon it. The actual words in Coke are these: "Before the making of this Act" (that is to say, the Act referred to), "fishermen for a little lucre did very much harm, and destroyed the increase of salmons by fishing for them in unseasonable times, which were between the beginning of September and about the midst of November; and likewise for young salmons or salmon peal, between the midst of April and towards the end of June, against both which provision is made by this Act." Then Coke goes on, and Mr. Paterson seems to have inadvertently overlooked the passage, "Herein the Thames, Thamesis nobile illud flumen, is not named; and it was holden that *the general words extended not to inferior rivers,* and therefore the Thames is added by another Act, in the first place." I assume that those words must have escaped Mr. Paterson's notice, or I do not think that he could have given the answer which he did to the honourable Member for Sandwich. As Mr. Paterson also referred to Hale, I should like to set that point, too, right. Sir Matthew Hale's opinion as to the application of those statutes to non-navigable rivers will be found in a note on the 35th page of Mr. Paterson's admirable work on the "Fishery Laws of the United Kingdom." "By the statute of Magna Charta, c. 23," writes Sir M. Hale (and I have not verified this, but I merely give it as Mr. Paterson gives it in his book), "omnes kidelli deponantur decetero penitus per Thamisiam et Medwayam per totam Angliam nisi per costeram maris;" "All weirs from henceforth shall be utterly put down by Thames and Medway, and through all England, except by the sea-coast." And this statute was seconded with others that were more effectual, viz., 25 Ed. 3, c. 3; 1 Hen. 4, c. 12; 12 Ed. 4, c. 7,' (that being the statute which is mainly applicable in this question). "And by force of these statutes, weirs that were prejudicial to the passage of vessels, were to be pulled down, and accordingly it was done in many places. But that did no way disaffirm the propriety, but only remove the annoyance, which, as before is shown, was not to be allowed in an inland river, if it be a common passage." I think that Mr. Paterson must have forgotten this passage when he gave the answer I have quoted to the honourable Member. I quote these extracts to show that I do not admit the statement of Mr. Paterson that Coke and Hale said that those Acts of Parliament were applicable to all rivers.

117. Now, with regard to passes generally, I suppose that no particular plan of a fish-pass could be given that would be applicable to every case?—No, I certainly think not; I think you must adapt the plan to the circumstances of each weir.

118. Will you give the Committee an instance, within

Mr. *S. Walpole.* 11 March 1870

within your recollection, where efficient passes are in operation at present?—There are a variety of passes in operation at present which are efficient; there have been very efficient passes built on the Coquet, on what is technically called the Pool system, which have been built lately by the Duke of Northumberland; we are trying to restore the Coquet to be a salmon river; they are catching bull trout by tons every year there.

119. There is nothing but bull trout in that river at present, I believe?—They have caught two or three salmon there; but they are turning a large number of salmon into the river every year, in the hope of converting it into a salmon river, and that is almost entirely carried on by the Duke of Northumberland; we have very efficient passes on the river Ribble; and we have very good passes on the river Dee; the passes on the Dee are not all on the Pool system; I hardly know how to characterise them; I instanced the Coquet, because the passes there are certainly efficient; the Ribble has a very good pass, and I instanced the Dee for the same reason; there is a very good pass on the Seiont; there are some admirable passes on the Usk, and there is a fair pass on the Little Yorkshire Esk. These are cases which occur to me at the moment.

120. Is it not the fact, that in many cases they have proved the reverse of efficient?—Certainly, there are cases in which they are the reverse of efficient; those results may be ascribed to different causes.

121. Will you give the Committee a few cases where those passes are not efficient?—I daresay I could give you a good many; there are a great many in Hampshire, on the ladder system; I think that they have been built too small and too steep for salmon; the salmon cannot pass up; but what I rather wanted to point out to the Committee, was not particular instances of efficient and non-efficient passes, but cases where a pass does not remedy the evil of the weir; because the weir converts the river into a state that is unsuited for salmon, salmon requiring a sharp current with alternate pools; while the weirs have converted the rivers into a series of ponds, which enormously increase the pike and other coarse fish, and handicap the salmon, if I may use the phrase.

122. You think there is a necessity for a different plan in each particular case?—Yes; nearly every weir requires different treatment; but the best of passes will not restore salmon to a river if the effect of the weir has made it unsuitable for the habitation of salmon.

123. The Committee had a suggestion made to them last Session, by Mr. Paterson, with regard to the mode of surmounting the dams, would that, do you think, be efficient?—There are the objections I have already stated, from the fact that, generally speaking, our mills absorb the whole water of the river, and the remedy would hardly ever be applicable at all; that is to say, the water would be driven below the iron bar; I have no doubt that the proposal is perfectly sound if you assume that the water is just sufficient for the purposes of the mill and of the pass; but that is an assumption which I do not think is warranted by any of the facts.

124. Do you think that the law requires amendment with regard to the financial difficulty of constructing those passes?—I think, certainly, it is necessary to provide funds for the construction of passes for unproductive rivers.

125. That is to say, in addition to any provision the law has made?—Yes, that applying only to productive rivers, there being no licenses in existence for unproductive rivers.

126. What are your proposals with regard to the financial question?—In the first place there are some rivers where, no doubt, rates are applicable, but those rivers are extremely few.

127. If fish passes are to be constructed by persons who are interested in salmon fisheries, some mode of raising the needful funds, in addition to those provided by the Act of 1865, should be laid down?—An obvious method is by a rate, and it is necessary to point out why that arrangement would not be applicable in the great majority of cases.

128. Mr. *Henry Herbert.*] The Committee all know why that arrangement is inapplicable, but will you kindly explain how it can be made applicable?—I think it can only be made applicable to a very few rivers, in which the tidal fisheries are the properties of particular individuals. If salmon are to be restored to the river, the greatest benefit will result to the tidal fisheries, and where those tidal fisheries are common fisheries, they would not bear any portion of the rate; if, therefore, a rate were adopted universally, you would be taxing the upper man who had property in the river, for the benefit of the tidal fisherman on whom you could not possibly levy a rate. There are rivers like the Tyne and the Coquet, and possibly the Eden, where a large portion of the tidal fisheries are owned by great men; they are in private hands, and in those cases I think a rate might be beneficial. But we must face the fact that generally in England every Englishman has the right of fishing in tidal waters. Where that is the case it would be very unfair to tax the riparian owners for a benefit which must be mainly reaped by the tidal fishermen.

129. *Chairman.*] But do you not think that the riparian owners would be benefited also by the improvement, that is to say, by the passing of the fish over the dam?—They would be proportionately benefited.

130. Then what would you propose in their case?—I would not propose to rate them where the tidal fisheries were common fisheries, but I would propose to rate them in the few cases where the tidal fisheries are owned by private men.

131. Why would you propose to do so?—Because the great benefit in the case where the tidal fisheries are common fisheries would not be reaped by the riparian owners, while the whole of the cost would be thrown upon them, though only a share of the benefit would be reaped by them.

132. In a tidal water we must assume that certain license duties would be paid by persons exercising the right of fishing there?—But we start on the assumption that this river is in an unproductive state, and that no license can be used till we have got up the production.

133. But take the case of a productive river; take the Tyne, where, according to a recent decision, as we all know, the Duke of Northumberland is the owner of the principal part of the fishing in the estuary, excluding the common-law right?—The Committee will remember I instanced the Tyne as a river where a rate was applicable.

134. Following up the case of the Tyne, will

you be kind enough to inform the Committee how you would propose that money should be raised there for the purpose of doing away with any obstruction, supposing any existed?—I should propose that that money should be raised by a mortgage on the license duties.

135. The Committee understand the license duties, and we also understand that under the Act of 1865 license duties can be mortgaged; but assuming that we require to supplement those license duties by a contribution, say from the riparian owner in some way, how would you effect that?—Limiting my answer to the Tyne and other similar rivers, I would do it by a rate, I think.

136. What basis would you adopt for that rate?—I think on the whole the simplest basis is by taking the extent of the frontage; the fairest basis, no doubt, is by valuation, but it is more complicated; the frontage system would be sufficiently fair, I think.

137. Do you not think that there is a great difference between a riparian owner immediately above a dam and another, say, near the High Force on the river Tees?—Certainly; I should not impose the same rate on the frontage throughout the entire course of the river; but I should divide the river into portions, and say, perhaps, the lowest portions should pay a penny a yard, above that a halfpenny a yard, and above that one farthing a yard, which would settle the question by a kind of rough justice.

138. You do not apprehend the slightest difficulty in devising a mode by which funds may be raised in that way from riparian owners to be added to the funds raised by license duties?—No, but the Committee will bear in mind that I am limiting my answer again to the case of the Tyne and similar rivers.

139. Will you take the Tees?—Or the Severn?

139*. In the estuary of the Severn, the public have the right of fishing to a great extent; do you see any practical difficulty in assessing a rate on the riparian owners?—Yes, I think that the riparian owners would immediately say you are not forcing the public fisherman to pay, and you are making me pay for his benefit. I do not see the answer to that objection.

140. The riparian owners between Gloucester and Worcester, for instance, derive very considerable benefit from the fisheries, do they not?—Yes, certainly.

141. Is there any difficulty about imposing a rate on those riparian owners, supposing it should be necessary to buy up the dams in the Severn, and for the purpose of buying up the dams in the Severn to raise a considerable sum to pay the mortgages, and for the purpose of raising that money to have a rate as a security?—I think there is a practical hardship in forcing the riparian owners to pay an undue proportion of the expense.

142. But do you see any difficulty in assessing a rate on those riparian owners?—I see no difficulty in assessing a rate on those riparian owners, but I do see a great difficulty in levying a rate on valuable public fisheries. It seems to me that every interest in a river ought to contribute proportionately to this desirable object. By a rate you cannot make the public fishermen contribute. The public fishermen, in a great many cases in England, and presumably in every case, reaps the greatest benefit.

143. But may you not meet that case by imposing a higher license duty on the men who fish in the public estuary?—I think there is an extreme difficulty in proportioning the license duty to the rate.

144. Will you come, if you please, to the case of the river Tees; the public exercise the right of fishing in the estuary of the river Tees, do they not?—Yes.

145. And every person who exercises that right pays a license duty, I suppose?—Yes

146. We have the Dinsdale dam in the Tees?—Yes.

147. Assuming the probability of the owners desiring to sell that dam to the persons who are interested in the salmon fishery, and that it became necessary to raise funds for compensating the owners, do you see any difficulty in levying a rate on the riparian owners for the purpose of raising that fund, leaving out the question of justice?—Of course it is practicable to levy a rate upon anybody; my remarks are addressed to the question of justice.

148. Assuming that any owner has agreed to sell a dam, and that the persons interested in the river think it desirable to pay him the purchase-money which he is willing to accept, would not that confer a very great advantage on the riparian owners above the dam?—Certainly.

149. Would there be any difficulty in arranging fair and reasonable terms of assessment upon them for the purpose of effecting that beneficial object?—I think that a riparian owner would say, "It is true that I shall reap great benefit by the removal of that dam, but the public fishermen would reap a greater benefit."

150. Your attention, no doubt, was called last year to the Bill introduced into the House of Commons by the Tyne Conservancy Board?—Yes.

151. Are you aware that they contemplated the imposition of a rate on the riparian owners?—Yes.

152. Did it appear to you that the principle laid down in that Bill was in any way difficult of application?—I think not in the case of the Tyne.

153. The Duke of Northumberland is the owner of the fishing in the estuary, is he not?—Yes.

154. Would you propose to charge his Grace as well as the riparian owners; in other words, would you propose to charge a rate on the Duke with regard to fishing in the estuary as well as on the riparian owners?—Yes.

155. Can you give the Committee any idea of the principle on which you would do that?—My view is to take the frontage as a rough basis of calculation.

156. Do you mean above the tidal water?—No, with the tidal water too, only making each yard pay a much higher proportion in the tidal water; it is only a rough way of arriving at the result, but I think that you can arrive at the result by it.

157. Mr. *Knight.*] Would not one-half the fish be caught in the tidal water?—Considerably more than one-half, I should say.

158. *Chairman.*] The value of the fishing in the estuary would very much depend on the amount of license duty imposed on the persons exercising the right there, would it not?—Under the present system, in productive rivers, I do not think that the amount of license duty can

Mr. *S. Walpole.*

11 March 1870.

bear any large proportion to the value of the fish.

159. The case of license duties having been mentioned, would you inform the Committee whether you think it necessary that the change for those license duties should be varied in different portions of the same district?—I certainly think that it should be varied; the fisheries in the lower portions of the river are much more valuable than the fisheries in the upper portions of the river, therefore it is unfair to make the upper man pay the same sum for his privilege, which may be worth very little, as the lower man, to whom the privilege is of very great value.

160. With regard to licenses to fish in an estuary, you have mentioned the case of the Dee where the licenses are transferred, do you think that the law in that respect requires amendment?—Yes; I venture to think that the statement of the evil almost proves the necessity for the amendment.

161. In what respect would you amend the law?—I individually think it would be possible in a great many cases to make licenses personal, instead of their being issued for instruments; licenses are now issued for the use of a net, and they may be used for the benefit of the persons taking them out by anybody else. In many cases it would remedy the evil if the license was issued definitely to a certain man, to be used by him alone.

162. May I take it that that is your recommendation to the Committee, on that point?—Yes; with this modification, that in the case of "several" or private fisheries, where a man employs a large number of fishermen, it is necessary to extend the system of general licenses, so as to force him to take out a license, which might be applicable to any man instead of taking out a personal license.

163. But why would you suggest that in the case of several fisheries and not in other cases?—For this reason, that in the case of a man who employs fishermen to fish for him, with a system of personal licenses, he would be at the mercy of his men; he would have taken out a license to fish, for particular men, and the men might say, "We will not go on without higher wages"; and the result would be, that he would have to comply with that demand, or he would have to take out fresh licenses for new men.

164. In the Tyne we have a several fishery belonging to the Duke of Northumberland, and in the Tees we have a fishery belonging to the public; why should not the mode of charging for license duties be the same in one case as in the other?—In the case of a public fishery a man takes out a license for his own benefit and for his own use.

165. Does he not do so in the case where he happens to be the lessee of a private fishery?——For his own benefit, but he employs other men to use the net, and under the system of personal license, he would have to take out the licenses in the names of the men.

166. But is there any difference in the case of a several fishery such as the Tyne, and in the case of a common fishery such as the Tees. Are they not in both cases fished by persons who have a number of men under them?—I think that there is a difference beyond the question of rent. In a public fishery a man takes out a license himself, and uses it himself—take, for instance, the case of the haaf-nets in the Ribble. But in the case of a several fishery the fishery requires a large number of men, and therefore the proprietor must employ men to fish for him.

167. You think that there is a difference between the case of a several fishery and the case of a common fishery?—Yes, to my mind personal licenses would work in one case and not in the other.

168. I think you have formed some opinion with regard to the desirability, or otherwise, of extinguishing common rights?—I think that that is the only practical way of providing funds where there are at present no fish to catch.

169. You would extinguish the common right to fish in a common fishery?—Yes, in the same way as is done by the Board of Trade in the case of oyster fisheries.

170. You think it desirable that the law should be amended in that respect, do you?—Yes, I think it extremely desirable.

171. By repealing a certain portion of Magna Charta?—Yes; as is now done in the case of oyster fisheries, the right being valueless.

172. But it may be made valuable by placing it under legislative control, may it not?—Yes, you get somebody whom you can rate then.

173. Will you be good enough now to turn to the effect produced by weirs where they are not remedied by passes?—The first effect is the undue diversion of the water from some of our rivers for the purpose of canals, the supply of water, and so on; I may remark that in a great many rivers, the whole of the river is practically, during many months, diverted from its natural bed for other purposes; for instance, in the case of the Dee, the Chester canal absorbs the whole of the Dee for weeks together. A canal absorbs a large portion of the Usk; the waterworks at Plymouth also absorb the whole of the Plym for weeks together; and last Session a Bill was introduced into Parliament by which the town of Preston will practically be enabled to take at least half of one of the tributaries of the Ribble.

174. I suppose you know of many cases also where canal companies having obtained the right to get a supply of water for a particular purpose, are now applying it to another purpose?—Yes, on the River Usk they are selling the water for other purposes; I express no opinion with respect to their powers to do that.

175. That of course has a prejudicial effect?—Yes; it is demonstrable that that has a most prejudicial effect.

176. With regard to that, have you any suggestion to make to the Committee with regard to an amendment of the law?—I think that the law might be amended in future cases; it is not possible in present cases.

177. What do you suggest with regard to that?—I would suggest that no great water company should be allowed to take above a certain portion of the river without making a compensating reservoir so as to restore the portion of the water which they take.

178. But why not make the same legislation in cases where the water is illegally diverted now?—On the assumption that it is illegally diverted we might certainly do so.

179. You mentioned the case of a canal taking water for the purpose of navigation and then selling water for another purpose?—And I guarded myself because a very high legal authority has stated that that power is included

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in the general powers of their Act of Parliament.

180. That will depend upon the precise terms of each local Act of Parliament, will it not?—Yes, certainly; but counsel's opinion has been taken upon that point, and it has been, I believe, unfavourable to any action against the company.

181. But do you not recommend anything but what you mention upon that point?—I think that would be a sufficient remedy.

182. You mean provision in future Acts of Parliament?—Yes, in future Acts of Parliament. Last week the town of Newcastle proposed pumping water extensively from the Tyne; they propose to take half the summer flow of the Tyne from a spot a few miles above the tidal way.

183. I believe that has been the subject of some correspondence between yourself and the Chairman of the Board, who is now in the room?—Yes; I mentioned that merely as an illustration of what is daily going on.

184. I suppose what is suggested in that case is, that the company seeking that power should be opposed in Parliament?—Yes, in that particular case.

185. You do not suggest to the Committee any general mode of dealing with a question of that kind?—No; except that they should be forced at some place above where they take in water to make such a compensating reservoir as would compensate for the water which they take.

186. Then with regard to the decline in the supply of salmon in particular rivers, have you considered to what causes that is attributable?—There is no doubt that in the case of the Tyne the decrease was entirely due to over fishing. Three years ago on the Tyne, when the great decrease of salmon was first visible, the fishermen introduced hang-nets (which were not previously known in England). These hang-nets sometimes extend for a mile, and thus intercept the salmon approaching the river, and kill all the fish, whether in good or bad condition. There has been no means of abating that great nuisance, and the consequence is that the stock of fish in the Tyne is very much diminished.

187. And the consequence was that a very large number of licenses were taken out last year, and during the previous year?—The employment which the Tyne fisheries afforded was diminished last year, in round numbers, nearly one-half.

188. That year being an exceptionally large year?—The year before being the year in which those hang-nets were introduced in much larger numbers. There were 1,272 men engaged in fishing the year before, and the number was diminished to 648 in the next year.

189. What was the number in the year 1867?—340; so that the increase was enormous.

190. It was quadrupled?—Yes, it was quadrupled, and the decrease is nearly one-half.

191. I am afraid that the great increase in the Tyne, in the year 1868, does not fairly represent the increase in the value of the salmon fisheries of the kingdom?—No. I have no doubt that the increase in 1868 was very much more than the Tyne could support.

192. Your conclusion is, that the increase in the Tyne is one that the Committee cannot rely upon?—Those calculations which I gave in the early part of my evidence were based entirely on the year 1869.

193. Now with regard to what is admitted to be a grievance on the Tyne, what practical remedy do you propose?—I think the evil there arose partly from the fact, that the law has omitted to define what a net is; that is to say, fishermen under the present law are able to join a great number of nets together; for instance, they may join together 8, 10, or any other number, and we can only license them as one net. The Tyne Board of Conservators took counsel's opinion upon that point, and that is the effect of the opinion.

Mr. *S. Walpole.* 11 March 1870.

194. You would propose to meet that by private legislation in future Acts of Parliament?—Yes; applying the law to the case of each river. In the case of the Tyne I should propose that by a bye-law we should define the length to which the net should extend, and the mesh which the fishermen should be allowed to use.

195. You would carry the size of the mesh also?—Yes; hang-nets are only destructive because the nets are made so much larger than the legal mesh, and the law assumes that the net is only destructive because the mesh is too small; in the hang-net the mesh is too large.

196. Mr. *Knight.*] Does the hang-net catch any other fish?—Its catch is nearly all salmon.

197. *Chairman.*] The fish are very much injured also in hang-nets, I believe, as well as being captured in great numbers?—Yes, very much injured for commercial purposes.

198. Is the case of the Dee very similar?—Not as regards the instruments; but the Dee requires fresh legislation, because there nets are passed from hand to hand.

199. And because there is over-fishing in the estuary of the Dee?—Yes; and that over-fishing I should propose to regulate by allowing the conservators, with the approval of the Home Office, to raise the rate of license higher than is now contemplated by the Act, the scale in which is not sufficiently high to confine the fishing to reasonable limits.

200. Then, in that case, would a similar remedy be applicable as in the case of the Tyne?—A bye-law would be applicable; the same remedy not being applicable to each river, that could not be done by a general law; a general Act must allow bye-laws to be made for regulating those questions.

201. I believe you are aware that the conservators of the Dee fisheries district are very much dissatisfied with the present state of things?—So much so, that I have seen it stated that if new legislation is not granted on the subject they intend to abandon the conservation.

202. I think, so long ago as the early part of December, they came to that resolution, did they not?—Very probably.

203. Have they any other cause of complaint on the Dee than that which you have mentioned?—Yes; they think that the weekly close season is far too short. The Dee has also complained immensely of pollutions; but the Committee, I presume, will not go into that subject.

204. Is there not also some question with regard to the dams on the Dee?—It is certainly a question of considerable difficulty. Most of the dams on the Dee are provided with admirable passes; but the real mischief *quâ* dams on the Dee is, that the canal weir diverts the whole of the water into the canal leat.

205. If you know of any other grievances under which the conservators of the Dee labour,

Mr. S. Walpole, 11 March 1870.

the Committee would be glad if you would mention it?—I think the great grievances which they would wish to mention to the Committee are the transfer of licenses from hand to hand, and that the weekly close season is not, as they think, adequate for a river of such length as the Dee, as the fish have not time to pass through the long reach of nets in the 42 hours which are allowed by law.

206. They wish to increase the weekly close time?—Yes.

207. To what extent do they wish to increase it?—I think they wish to increase it to 60 hours; but I think that demand is excessive.

208. Have you formed an opinion as to what the weekly close time should be?—I think 48 hours would be desirable, certainly, instead of 42 hours, 48 hours being, as the Committee are aware, the Irish time.

209. Is there any other case of that kind which you wish to bring before the Committee; is there anything particular in the River Wye?—The difficulties on the Wye arise, I think, from the fact that an enormous extent of the river is netted (there are no weirs on the Wye); but a larger proportion of fresh water is netted on the Wye than on any other river of importance in the country; this leads me to recommend the enactment of a nightly close time in fresh water, not in tidal waters.

210. Generally speaking, do you find throughout the country a great desire for power to make bye-laws?—Yes, quite so. Certainly, for bye-laws regulating the rate of the licenses, the close seasons, both annual and weekly, and the regulations with regard to the length and the manner of using the nets.

211. And those bye-laws you would have made by the Boards of Conservators, subject to confirmation by some central authority?—Quite so. I desire bye-laws in some cases quite as much to assist the capture of fish, as in other cases to prevent the excessive capture of fish. In sewin rivers the fish are so small, that they cannot be caught by the legal mesh, which is too large.

212. Now with regard to the close season, we all know that the object of that is to allow the fish to get up to the spawning beds?—Quite so.

213. What is your opinion with regard to the close season; are you of opinion that there should be a universal close season or otherwise?—No; I have formed a very strong opinion that the reasons advanced against a univeral close season are far stronger than the reasons in favour of it.

214. What reasons do you assign against a universal close season?—The natural habits of the fish are different in different rivers; they run up in different periods of the year, and you must, of course, make the law conform to the habits of the fish.

215. What is, shortly, the history of the close season with regard to salmon?—The history of the close season is shortly this: from a very early period there has been a close season, and almost without exception, till 1861, there has been a variable close season, which was fixed in "the olden time" by Parliament, in the present century by the Justices in Quarter Sessions; I need not answer that question more fully, because it is put in an admirably complete form by Mr. Paterson, in the Appendix to his Evidence.

216. You agree in his opinion on that point?—Entirely; it is a correct statement of the facts.

217. The justices of the peace throughout the country treated different rivers in very different manners, did they not?—Very much so, and I think, as bearing on the question, it is important to see what the effect of their treatment was; I have before me a list of the only six rivers which, before 1861, closed at about the same time as they close now under the new law; the rivers I allude to are the Trent, the Ribble, the Dee, the Severn, the Wye, and the Tyne; they were all in a miserable state before the year 1861, and I think I may say, that all of them, with the exception perhaps of the Trent, have materially improved since the year 1861; my argument being, of course, that as there has been no change in the close season, their improvement must be due to some of the other provisions of the Act of 1861; on the other hand, I have a list of 10 rivers, which, before the new law, closed later than any other river; they are the Teify, the Towy, the Dart, the Plym, the Axe, the Conway, the Fowey, the Teign, the Dovey, the Camel, and the Avon (Devonshire), closing at various dates from the 1st of November to the 15th of January; and they, too, were in a bad state in the year 1860, but, of course, if that were attributable to the close season of the justices, they ought to have improved more than any other rivers in the country; but the startling fact is, that those rivers are the rivers which have made no improvement generally; it cannot, therefore, have been the old close time which was ruining them before 1861. This is a strong argument in favour of a variable close season.

218. The cases of the Eden and the Derwent are very dissimilar, are they not?—Yes; they afford a strong contrast, because they are both in the same county, and both rise in Helvellyn; the Eden is the earliest river in England, and the Derwent is one of the very latest; neither had been formed until quite recently, into fishery districts, and they were both protected by local associations; I do not think that either had been poached more than the other, but the water of the Eden is warmer than that of the Derwent, so that a poacher can wade in one, when he cannot wade in the other. We have got both rivers full of fish, and yet we have never succeeded in making the Derwent a day earlier. The great run of the Eden fish is before the run of any great river in England, while the Derwent is very late.

219. The Derwent and the Eden resemble each other in many essential particulars, do they not?—They have each one weir on them, neither of them insurmountable. In the Eden there are two, in the Derwent one fishing weir; both rivers are free from serious pollutions. All the circumstances of the two rivers resemble each other so closely, that if there was no physical reason affecting the run of the fish (which legislation cannot control) they would be the same; but the Eden runs very early, and the Derwent is very late, so that you cannot apply the same law with respect to the close season to each river.

220. Mr. *Henry Herbert.*] There are no two rivers where the run is exactly the same, are there?—No; you may group rivers, some early and some late; but the expectation that was formed in the year 1860 by the Royal Commission, that the effect of legislation would be gradually to make all the late rivers early, and bring them all to the same level, has proved to be fallacious.

221. *Chairman.*] You have arrived at the conclusion

conclusion from your experience, that in that particular the Royal Commissioners were wrong?—I think so.

222. And you think it desirable that there should be improved legislation on that point?—Yes.

223. Now, with regard to the mode in which the limit of the close season should be determined; formerly we had it in the hands of the country justices, and we know that there were cases where rivers such as the Tyne and the Dee had different close seasons imposed by the justices on each side of those rivers; what is your opinion with regard to that arrangement?—That was a great evil.

224. You would not like to go back to that, I presume?—No; we have now boards of conservators, and so we have the means of legislating for each river, as a whole, subject to a central authority.

225. What should that central authority be, in your opinion?—The Home Office.

226. Would there be any objection to having a bye-law on such matters, subject to a confirmation by the judge of a superior court?—I think the best plan is for the bye-laws to be determined by a responsible minister who can be questioned for his reasons in Parliament.

227. And for that reason you think that the Home Office, or a department of the Government having charge of the fisheries, should have the control?—Yes; I merely say the Home Office, because the Home Office happens to have it.

228. You mean whatever office has it, whether it is the Home Office or the Board of Trade?—Yes.

229. Would there be any objection, in your opinion, to allowing boards of conservators to make bye-laws, subject to confirmation by the judges at the assizes?—The first objection that occurs to me is the objection that I have already instanced; that is to say, that then the reasons for those bye-laws cannot be questioned in Parliament.

230. But you are aware that there is a mode of bringing every subject under the notice of the House of Commons, are you not?—Yes, certainly; but not so directly as when the minister, whose policy is disputed, can be personally questioned.

231. Would there not be some considerable advantage in having, in the county of Durham for instance, bye-laws for that county confirmed by the judges at the assizes, where the parties affected would have an opportunity of appearing and giving evidence for or against the proposed bye-law?—I think that all those advantages can be secured by the officers of the responsible minister holding a local inquiry where those arguments can be adduced before the bye-laws are sanctioned. I think that that would be a better plan, because there must be one department charged with the administration of the fisheries, and it seems a logical consequence that it should be charged with the main duty of administration, the approval of bye-laws.

232. I refer now, not to bye-laws generally, but to that one specific point, the close season?—Just so; but I wish to point out to the Committee that judges at assizes would not possess that special information on the point which the advisers of the Home Office are assumed to possess, and therefore the judges would not have the means for arriving at so sound a conclusion.

233. With regard to the Conway, what are the circumstances connected with the close season in that river?—The Conway close season, before the new law, began very late; it began on the 30th of November. The river at that time was protected by a local association, and was in a very flourishing condition; the new law altered the close season to the 1st of September, and the river has experienced a progressive decline ever since, which I attribute to the alteration of the close season.

234. But that would be met if there were power to make the close season applicable to the Conway, would it not?—There is power in the Home Office now to vary the close season, but the Home Office is practically unable to exercise it, because it cannot vary the period during which the fish may be sold.

235. Of course, if you were to vary the close season, you would vary the season during which the fish may be legally sold?—That is the only amendment required in the law, in my opinion.

236. According to your view, the central authority should be some Government department?—I think it is essential that the central authority should be a minister responsible to Parliament.

237. Generally, I gather from you that you think the arguments in favour of a variable close season are very much stronger than those in favour of uniformity?—Yes, certainly, conclusively stronger.

238. With regard to bull trout; has there been any considerable increase in that fish since the year 1861?—A very considerable increase; a much larger increase than is generally known, because there are a great many fish which are bull trout which are not recognised as such; for instance, in the Tees, I have no doubt the scurf are bull trout, whereas in Durham they are not so recognised. Gentlemen on the Tees have been kind enough to send up to my colleague and myself some of those fish, and we have no doubt of their being bull trout.

239. I believe that there is some reason in connection with that kind of fish why there should be a variable close season; is there not?—From all the information I can obtain with respect to the bull trout, there is a great run of bull trout in the autumn after the net fishing is closed, and as those fish are very rarely caught by the rod and line, they actually enjoy a comparative immunity from all human enemies except poachers, and it may be said that the law has had the effect of favouring the coarser fish instead of the purer.

240. And where they prevail you would give the power of making a later close season and possibly of adapting the mesh also?—Yes.

241. Mr. *Henry Herbert.*] Are the bull trout not very detrimental to the salmon?—Salmon and bull trout can hardly exist in large numbers together; bull trout have practically exterminated the salmon on the Coquet, and they are now appearing in large numbers on the Tyne for the first time. The whole of the east coast of England is full of bull trout.

242. *Chairman.*] And you think that the scurf in the Tees are bull trout?—The scurf from the Tees that have been shown to me as scurf have been bull trout.

Tuesday, 15th March 1870.

MEMBERS PRESENT:

Colonel Edwardes.
Mr. Dodds.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Liddell.
Mr. Wm. Lowther.
Mr. Pease.
Earl Percy.
Mr. Evan Richards.

JOSEPH DODDS, Esq., in the Chair.

Mr. Spencer Walpole, called in; and further Examined.

Mr. *S. Walpole.*
15 March 1870.

243. *Chairman.*] Will you now kindly turn your attention to the subject of the weekly close time, and give the Committee your views upon that matter, first of all explaining shortly the objects of the weekly close time?—I should like to draw a distinction between the annual and the weekly close time. The object of the annual close time is to ensure the preservation of a certain stock of breeding fish; and the object of the weekly close time is to ensure the distribution of the fish to some extent equitably between the upper and lower proprietors.

244. What is the principle of the Scotch law, with reference to the weekly close time?—The Scotch, Irish, and the English weekly close times are all different; in Scotland the weekly close time extends for 36 hours, in Ireland for 48 hours, and in England for 42 hours.

245. What do you propose that it should be in England?—I should like to assimilate the English law to the Irish law, so as to make it 48 hours in England; I may say that now it begins at 12 o'clock at noon on Saturday, and ends at 6 o'clock on Monday morning. I should propose to take away the six hours fishing on Saturday, from six in the morning until noon.

246. You would like to alter the hour of 12 at noon on Saturday to six in the morning, for fishing purposes?—Yes, that is my first proposal.

247. Mr. *Liddell.*] That is the law in Ireland, is it not?—Yes.

248. *Chairman.*] At what hour does it begin in Ireland?—Those are the very hours.

249. That is to say, from six o'clock on Saturday morning to six o'clock on Monday morning?—Just so.

250. Are you in favour of a variable weekly close time, or would you have it uniform throughout the country?—There are a great many persons who are in favour of a variable weekly close time, and I should like to see the experiment tried. I am not quite sure that the advantages which are anticipated from it would be derived, but I think it is an experiment which there ought to be an opportunity for trying.

251. How would you try it?—It could only be done in this way. You would open the river before the fish; for instance, if in the lowest portion of the river the weekly close time was to begin at six o'clock on Saturday morning, in the reach above it would begin at noon on Saturday and go on until noon on Monday. Higher up again it would begin at six o'clock on Saturday evening and go on until six o'clock on Monday evening, the object being to open the river as the fish are running up. They are assumed to have got up a certain part of the river in six hours, so that they would have 48 hours clear before them, instead of 42 hours. That proposal has emanated from some people whose recommendations deserve attention from this Committee, and I think it ought to be tried.

252. How would you make provision for doing it in that way; would you do it by general legislation, or make it the subject of bye-laws?—By general legislation authorising bye-laws; general legislation enacting that the weekly close time should begin at 6 o'clock on Saturday morning, except in those cases where it appeared to the central and local authorities that it was desirable to sanction a variation.

253. Would it not be better if the Legislature sanctioned a period of 48 hours, leaving the time of commencement, and the time of termination to be settled by the local authorities, with the sanction of the central authority?—I think that you must start with some definite weekly close time with reference to the period at which it commences and ends, because there are some rivers where there is no local authority, and consequently some time must necessarily elapse before any one would be in a position to decide when the close time should commence or end. For that reason I think there ought to be a definite law until it was altered.

254. That is to say where there are no Fishery Boards, and no districts formed?—Yes; I mean in those cases.

255. In those cases, probably the central authority alone should have the power?—I think that the central authority alone should have the power, but some time must elapse before any one took upon themselves to move the central authority to take action in the matter, and therefore the law should be clear on that point.

256. You

256. You would fix the time definitely?—Yes, I would fix the time definitely.

257. In fact, you would do so in every case, unless subsequently altered?—Yes, in every case, unless subsequently altered; just as I should fix the annual close time definitely, but permit subsequent variation, as has already been recommended.

258. Have you considered the case of the fishermen in tidal waters who can only fish at certain times of the tide, and who, therefore, have practically a longer close time forced upon them than any other class of men?—Yes, I have considered their case, and your statement of it is quite true. But it is also true of the present close time of 42 hours. My argument turns on the point, that the present close time is not sufficient, even though the tidal fisherman from the force of circumstances must give rather a longer close time than the law contemplates.

259. My question has regard to what is fair between the men who fish in tidal water and the men who fish in fresh water; in fresh water you fix 48 hours throughout the whole district?—So far as the fresh water fishermen are concerned, I propose to make another proposal with regard to nightly close time. In the tidal waters I think the advantages that the tidal fisherman enjoys are so great that what I ask him to give up by the extension of the weekly close time is not an undue thing to ask.

260. Granted that you have 48 hours absolutely fixed by Parliament as the period of the close time, the period of time compels the man in the tidal-water to discontinue before six o'clock on Saturday evening; would you permit him to make up that at the end of the tide, so that his close time should not exceed 48 hours?—No, I would not permit him to do that. I think that it should be definite and clear; and I do not see how, with any such permission, it could be definite, because it is extremely difficult for the water bailiff to ascertain the state of the tide.

261. But is not the time of the tide ascertained with the greatest accuracy at given points?—Yes; but it might not be known with equal accuracy the time at which the tide permitted net fishermen to resume operations; it depends not on the actual time of the tide, but on the force of the tide at a particular time.

262. What do you propose with regard to the nightly close time?—I think that in the upper or fresh water portions of a river it would be fair to forbid netting during the nights. This proposal only applies to fresh water.

263. Would you exclude net fishing altogether in certain fresh water portions of rivers by night and by day?—I do not see my way to exclude it by day.

264. Not anywhere?—No; I think I see my way to regulating it by day to a certain extent.

265. But not to total exclusion?—No.

266. It has been strongly urged on me by gentlemen connected with my own river, that in certain portions where the stream is comparatively small, net fishing should be altogether excluded?—I should be very glad if that were possible in the upper portions of rivers, but I do not see how Parliament can be asked to do it.

267. Then with regard to the exclusion during the night, what do you say?—I have a precedent there in the Irish law; the Irish law now forbids net fishing at night in the fresh water of rivers, and I should like to follow that precedent in the case of our rivers.

268. Does it fix the hour, or does it vary with sunrise and sunset, as the hours vary with respect to the game laws?—The hours in Ireland are between eight o'clock in the morning and six o'clock in the evening I believe, during the fishing season. The only exception that is made is in the case of a net fishery immediately above the tidal flow, where, if the right has been previously exercised, the owner is allowed to continue his night net fishing; I presume that that exception must have been introduced to meet some particular case with which I am personally unacquainted.

269. But that is not an exception, I suppose, that you would recommend Parliament to make in this country?—No; I was only stating what the Irish law is; I wish to carry the principle of the Irish law to England, without adding the exception. I may state that my object would be secured, if there is any objection to such long hours as those by a shorter time, say from eight o'clock to four o'clock in the morning.

270. Would it not be better to fix a period, having regard to the time of sunrise and sunset; have you thought of the distinction between that and a hard-and-fast line?—I have thought of that, and the suggestion has often been made, but I think, on the whole, a hard-and-fast line is preferable. My great object is to get an hour immediately before three and immediately after three in the morning, that being the time when all the evidence proves that the fish chiefly move upwards.

271. But reasoning of that kind would apply to both portions of a river; I understand you propose to exclude netting only in fresh water by night?—Yes; because I think that, practically, the net fisheries that are conducted in tidal waters are so largely dependent on night fishing, that it would be asking them to give up too much.

272. But if you think the restriction necessary for the purpose of the fish getting to the upper water, that applies to both cases, does it not?—But when the fish has once left the tidal water, and is in fresh water, it is fair to assume that he has made up his mind to go on. As long as he is in tidal water it is a matter of doubt whether he is not going back, as he moves up and down with the ebb and flow of the tide.

273. You do not think that forbidding the net fishing during the night has any reference to the practice that prevails of illegal net fishing during the night?—No doubt, by forbidding net fishing during the night, a great deal of illegal fishing would be prevented; but my main object is to afford a fairer distribution of the fish than the present law affords.

274. Still you think that the prevention of illegal fishing would be promoted by forbidding net fishing at night?—It would be promoted by forbidding net fishing at night, and it is an incidental advantage to the proposal.

275. It is unnecessary, I suppose, to prohibit fishing with rod and line during the night?—Yes, certainly; rod fishing is not prohibited now during the weekly close time.

276. Now with regard to the mesh of the nets. The present law is, that the mesh of every salmon net shall be two inches from knot to knot?—Yes; I do not think that that law is suited to every river; it is suited to some rivers, but the law re-

Mr. *S. Walpole.*

15 March 1870.

quires, I think, to be made more elastic to meet the different requirements of different rivers.

277. How would you modify that law; would you do it by a special enactment?—By a special enactment authorising a bye-law.

278. Authorising variation by means of a bye-law?—That is a better way of expressing it.

279. I gather from you that there are two reasons why you suggest that modification of the law, one of which is to prevent over fishing?—Yes. I want to insure what it was the intention of the Salmon Act to insure, a certain number of fish being saved from the net fishermen. The Act assumes that, if you have a mesh two inches from knot to knot, a certain number of fish will be small enough to pass through, and will go up to the upper proprietors. But I think that in purely salmon rivers that size is not large enough to ensure that proportion of salmon passing up, which the Act of Parliament contemplated.

280. Would you provide for a maximum as well as a minimum-sized mesh?—I certainly would provide for a maximum size.

281. At present the law provides that the minimum size of the mesh of a net shall be two inches from knot to knot; there is no maximum size; would you enact that there shall be a maximum size in future?—It is absolutely necessary that the maximum size should be fixed for certain cases.

282. You mean, I suppose, having reference specially to the case of hang nets, and so on?—Yes.

283. It is recommended that in certain cases there should be a maximum size?—Quite so.

284. At first one does not see the reason why there should be a maximum size, because the larger the net is the more fish will escape through it; but at the same time, from the experience of persons connected with fisheries on various rivers, it appears that a maximum is desired?—In all nets which gill the fish, a small mesh has the effect of keeping the fish out of it, consequently in all nets such as hang nets which float in the tide and intercept the fish, it is necessary that the mesh should be large enough to admit the head of the fish. If, then, you want to save a certain number of fish in the case of nets fishing in this way, instead of enacting that the mesh shall not be below a certain minimum, you must say that it shall not be above a certain maximum.

285. I gather from you that you approve of there being a maximum as well as a minimum, the maximum being regulated equally with the minimum by bye-laws where the circumstances require?—Quite so; the circumstances of the river being taken into consideration.

286. I believe you are aware that in the Bill introduced by the Tyne Conservancy Board into Parliament, through my honourable friends the Members for North and South Northumberland, there was a clause of that kind?—Yes, with which I entirely agree.

287. The provision in the 3rd clause was that the Board should have the power to make bye-laws, amongst other things, for regulating the size of the meshes of nets and limiting the maximum size?—Quite so.

288. Do you agree in thinking that that power should be conferred as well as the one with regard to the minimum size?—I quite agree with that.

289. You have already mentioned the Tyne; I believe you are aware that the case of the net fisheries in the Tyne strongly establishes the necessity for such a law as you have referred to?—I think that the figures which I quoted on Friday are the strongest proof with regard to that, namely, that the extensive fishing which has been carried on by hang-nets has reduced the number of net fishermen in the Tyne, which in the year 1868 was 1,272 to 648 in 1869; I believe that that reduction was due to hang-nets and I believe that it could have been obviated if it had been possible to regulate the size of the mesh of those hang-nets.

290. But it may be attributable either to over fishing or to the want of some legislation with regard to the size of the nets?—It was attributable to both causes, I think.

291. Does the practice upon the Ribble afford any illustration of the necessity for legislation of this kind?—I think it does; the Ribble, as honourable Members may be aware, has two kinds of migratory salmonidæ, salmon, and what are locally called morts and sprods. The present mesh is too large to catch the morts and sprods and it is too small for any of the grilse to escape; what I propose in that case is to sanction during the early part of the year when the morts and sprods are running, a smaller mesh than is contemplated in the present law and later in the year, when the grilse begin to run in July and August, to extend the mesh and make it larger than is contemplated in the present law; I refer to the case of the Ribble because that is a river in which there are those two fish.

292. I think you have mentioned that another reason for modifying the law with regard to the nets, was that it would help the fishermen. Can you illustrate that by reference to cases in Wales and Devonshire?—There are fish called sewin in Wales, and there are other fish called peel in Devonshire; I do not say that they are the same fish, but they are both very small, and cannot be caught with a legal mesh; it is clearly desirable that those fish should be caught, and they cannot be effectively caught, unless we have for those rivers a smaller mesh; therefore, I propose to reduce in those cases the mesh of the net.

293. You also mentioned, I think, on Friday last, the bull trout in the Coquet and other rivers in the north of England; you think it necessary for the purpose of destroying the bull trout, that a different kind of net should be authorised at certain seasons of the year?—I would authorise for their destruction the most destructive possible net.

294. If it went so far as to exterminate them, should you be glad?—I should be glad to do so in most cases. There may be rivers not suited to salmon, where it might be desirable to keep them.

295. But in all other cases you would be glad to get rid of the bull trout?—Yes.

296. What is the Scotch law with regard to the mesh of the net at present?—The Scotch law authorises bye-laws to be made on that subject.

297. Are you aware that that power has been exercised to any extent, or not?—I believe that that power has been exercised to a very large extent. I believe that the mesh of the net has been fixed for nearly every river in Scotland.

298. They have a different size of mesh for each river?—The law gave them the opportunity of having a different size of mesh for each river.

299. What

299. What is the practice in Ireland?—In Ireland there is also a power given to vary the mesh of the net, so as to meet the necessities of each river.

300. Then the alteration you propose, is one that would be put into practical operation by means of bye-laws?—Quite so.

301. And this again, I presume, you would have sanctioned in the way you have previously described, and not by any local tribunal, such as the Court of Quarter Sessions?—I think it is desirable that they should be initiated by the Boards of Conservators, and sanctioned by the department which is charged with the administration of our fisheries, the Home Office.

302. You would approve of that in preference to any local authority, such as that of the Quarter Sessions of the county, where the river is situated?—I think I stated that the Quarter Sessions would not have that information which the officers of the Home Department are supposed to possess, and which ought to enable them to arrive at a sound conclusion.

303. My suggestion with regard to referring the matter to the Judges at the Assizes, had reference to the larger question of dealing with dams and weirs, I think; but in both cases you think the central authority in London, whatever that might be, should be the controlling authority?—I understand you to be referring to the close season, which like the subject we are now discussing, I regard as a question purely of administration.

304. Then do you think there should be also power to control the mode in which nets are used for fishing purposes?—Yes; I think there should be a power to control the mode in which they are used, in certain cases; and also with regard to their length.

305. Will you be kind enough to give the Committee some illustration of the abuse of nets upon the Tyne and off the sea coast near the mouth of the Tyne?—In the Tyne fishery district there is this great abuse, that a great many nets are tied together in the estuary and out at sea.

306. Within the tidal water of the Tyne fishery district?—Yes; those nets are tied together, so that in fact the net is inordinately lengthened. The whole of that part of the coast is studded with hang-nets; some of the nets extend for a mile.

307. You refer to the case of the Cullercoates fishermen?—Yes; and some others. A great many of those fishermen live at Cullercoates, and some at South Shields and other places. I have an extract before me from an opinion taken by the Conservators of the Tyne on that point from Mr. Mathews, who is, as the Committee are aware, a Queen's Counsel, and also a Member of Parliament. He says:—"I collect that the term hang-net is not by common use and understanding limited to a net of any particular dimensions. A single net equal in length to the three which the men were using and similar in construction and mode of use, would (as I collect) be properly termed a 'hang-net,' and the license imposes no limit on the length or size of the net, but only on its kind. I think the three nets used on the occasion in question were practically though imperfectly made into one net of the triple length." The effect of that opinion, which was forwarded to me by the Chairman of the Tyne Board of Conservators, is that those men are enabled to join a great many nets together; instead of taking out a license duty for each net, they take out one license to cover all the nets collectively.

308. You would provide that that should be met by general legislation, controlled by a bye-law?—By general legislation, authorising a bye-law.

309. You have been lately making some alteration, as I am informed by the honourable Member for South Northumberland, in the limits of the Tyne fishery district?—The Tyne fishery district is included by the red line on the map (*pointing to it*).

310. So much of the sea coast as is included within the Tyne fishery district?—Those words just touch upon the alteration which we have made. The Tyne fishery district used to include the River Tyne, the estuary or tidal portion of the river, and so much of the sea coast as lay north and south of certain definite points; but, in the opinion from which I have already quoted, Mr. Mathews stated that the words "sea coast" did not include the sea adjoining the coast, but only the mere actual coast, and therefore the conservators were really not empowered to issue licenses for the capture of salmon by fishermen fishing close to the shore but at sea. We obtained that opinion in the early part of last year; and last autumn, we remedied the defect by extending the limits of the Tyne fishery district three miles from the coast, three miles being the limit of the territorial seas. At the same time we took the opportunity of joining the Coquet and the Tyne fishery districts.

311. So as to include the whole of the sea coast in one district, and one only?—So as to include the whole of the sea, for three miles out to sea.

312. They do not fish beyond that distance for salmon, or anything like so far, do they?—Salmon are not, as a rule, caught more than three miles from shore; but beyond that we get beyond the limit of the territorial seas; it would be absolutely impossible to go further seawards. The law has fortunately given the Home Office power to include any portion of the sea. We may say that any portion of the sea is part of a river.

313. Now is there upon the Ribble a similar case of abuse to that upon the Tyne, with regard to the employment of nets?—There is a different kind of abuse there. The public fisheries on the Ribble are fished by what are called there half-nets; they are something like very large shrimp nets. The net is like a large shrimp net, with three spikes on the lower beam, which enables the fisherman to fix it firmly in the sand, he holding the handle of the net in his hand. That does not seem at first sight to be a very destructive mode of fishing; but the estuary of the Ribble is very shallow, and those men stand shoulder to shoulder at certain times of the tide across the whole river, so that no fish can possibly run up without entering one of their nets; in short, they block the whole of the river. Now the clear object of the Salmon Fishery Act, by enacting the size of the mesh, and providing passes, and in other ways, is to allow a certain number of fish to escape, therefore a system by which a whole run is blocked, is clearly against the object of the legislation which we are considering.

314. On the Teify, is there another kind of net used in a similar manner?— They

Mr. *S. Walpole.*

15 March 1870.

have a habit there of taking a very long draught net, starting it from the south end of the estuary, and taking it right across to the north side of the river, and there they hold it for some hours; when they have got all the fish congregated immediately below it, they draw it round and sweep all in. This is another instance in which a whole river is blocked.

315. Mr. *Evan Richards.*] Is that done at Shotfawr?—I am alluding to "the Shotfawr," a mode of fishing which is clearly against the object, though not, possibly, against the letter of the Act.

316. *Chairman.*] It is against the policy of the Act?—Yes.

317. Then at Christchurch, is there some evil of the kind?—Yes; the Avon, at Christchurch, runs into the sea through a comparatively narrow channel, fished entirely by draught nets. The draught nets are long enough to reach entirely across the channel; the moment they have shot one net, they start another beyond it, so that before one net is turned they have another ready to take its place. That, again, is a system of fishing which is against the policy of the Salmon Acts, because practically, the river is for hours together absolutely blocked.

318. Those are all different phases of the necessity for the power to restrict the use of nets throughout the kingdom?—Quite so; it is only necessary to trouble the Committee with illustrations, to show the difficulty of providing against these evils by any general enactment; therefore we must have an elastic law; by no means absolutely to prohibit all fishing, but to restrict it within legitimate bounds.

319. Now as to sea fishing, have you anything to say with regard to keitle nets?—I think the power to make bye-laws ought to extend to sea fishing, in those cases where a system of sea fishing is in force which is seriously prejudicial to the salmon fisheries. On the Stour, in Kent, they have some stake nets which line the coast near Ramsgate, and those stake nets are for the purpose of catching flat-fish, but there is not the slightest question that they do capture salmon; and they are as deadly as if they were kept up for the purpose of capturing salmon, therefore I think there ought to be some machinery for regulating them.

320. You mean for regulating the use of stake nets of that description?—In those cases where there were fixed nets of that description interfering with the run of the salmon, I would sanction an inquiry into their legality by the Special Commissioners, and if the Commissioners found that they were legal, then I would face the fact that the men certainly caught the salmon, and would insist upon their paying a license duty, and observing the weekly close time.

321. You would then legislate for them as lawful instruments for the capture of salmon?—Yes.

322. From your description, I gather that those nets are very similar to the stake nets that we supposed to have been abolished?—Yes; they were only retained on the presumption that they were not intended for the capture of salmon; fixed engines for catching other fish than salmon you have not abolished.

323. Would not the best way of getting rid of the difficulty be to abolish all stake nets of every description?—I should be delighted to propose that; but I am afraid that it would raise so much hostility in Swansea Bay, and other places where there are fixed engines for the capture of soles, and so on, that I should doubt the policy of provoking so much opposition.

324. Can you point out any distinction between cases such as you have referred to, on the coast of Kent, and the abolition by the Salmon Fisheries Act of 1861, of other stake nets in the north of England?—There is no distinction whatever in the policy of the question. As a matter of policy, I should be extremely glad to do as you propose; but there is a difference in the feasibility. The stake nets which you abolished in 1861 were, from the decay of the fishery, so valueless, that the people practically gave them up; but some of those fixed nets we are now considering are very valuable, and I think that you would provoke very great opposition if you tried to do away with them. I would also point out that the Deep Sea Fishery Commissioners (unfortunately, I think) recommended that those fixed nets should not be interfered with.

325. On the Severn there are some peculiar nets, which are called twait nets, are there not?—Yes; twait or shad is a migratory fish about 14 inches long; salmon and twait are both caught in the same way, and in the same places, by draught nets, and by the same fishermen; but in consequence of a particular mesh being prescribed for salmon, the fishermen have to keep two sets of nets, one for twait, and one for salmon fishing. Of course it follows that they are liable to catch salmon in the twait net.

326. What species of fish is the twait?—It is of the genus *Alosa.* It has no affinity with the salmon in a naturalist's sense; but those fish are caught by the same fishermen, in the same places. Salmon are caught in twait nets, and I have no doubt they are illegally kept. It stands to reason that if a man has a licence for salmon, the temptation is too great for him, when he has caught a salmon in a twait net.

327. Have you anything to say with regard to Devonshire?—In Devonshire, herrings and other fish are fished for in the very same place where the salmon are usually caught; I know that salmon are sometimes caught in those herring nets, and I think it almost follows as a matter of certainty that those fish would be kept; so that in those cases, what I should like to do would be to legalize what I cannot prevent; that is to say, I would allow the herring fishermen to keep the salmon; but in return I would force them to pay a small license duty, and to observe the weekly close time.

328. You would regulate, in fact, the right of fishing?—Yes, I would regulate the right of fishing in those ways; I may add that the same evils which have been pointed out now with regard to the effect of nets fishing for other fish, on salmon, exist on the Trent in the case of smelt nets, which are fixed across the river; they are seriously prejudicial to the salmon fishery.

329. In fishing for smelt in the Tees, the very same thing arises, and we know that constantly in nets used for smelt fishing, salmon are captured by the men?—Just so, and I think there ought to be some power to regulate those cases which are occurring all over England.

330. Do you think it desirable that there should be power given to unite fishery districts; I think there is no such power at present, is there?—There is no such power at present in the Act

Act of Parliament; there is power to take a portion of a fishery district and unite it to another; but there is no power, practically, to merge two districts; the want of the power has been felt in Yorkshire. Yorkshire has been formed into two large districts, one for the River Derwent which runs up into the North Riding, and the other for the Wharfe and other extensive rivers. No doubt the extent of the area of that country is large enough to support two districts; but the rivers are so unproductive, and the revenue received from license duties is so small, that the conservators wish to amalgamate the two districts together. When they expressed that wish to the Home Office, we found that we could not meet their wishes; and it was to meet that case that we put the 6th section into the Bill of last Session.

331. In like manner, I daresay you have found the necessity for extinguishing districts altogether?—I think that necessity may arise.

332. I think you are of opinion, at all events, that there should be power to dissolve a fishery district? — I think there ought to be that power.

333. Now I will beg your attention to a very important matter, namely, the constitution of Boards of Conservators; do you think that the present mode of constituting Boards of Conservators is the best mode that could be devised for the purpose; are you satisfied with it?—No; I should be very sorry to be understood in my answer as casting any reflection on Boards of Conservators, but I think that it is not the best constitution that could be devised.

334. The subject of the constitution of Boards of Conservators has been very much canvassed, and I think it is one upon which the Committee ought to have the views of gentlemen who have had an opportunity of forming an opinion upon the subject. You are aware, no doubt, that Boards of Conservators are appointed at present by the Courts of Quarter Sessions?—Yes; they are appointed by Courts of Quarter Sessions.

335. And that there is some little difficulty where the river happens to be the boundary between two counties, as in the case of my own river, the Tees?—The process of appointment is very complicated.

336. So much so, that were it not for the fact that after a certain time the constitution of the Board cannot be called in question, it might be very much doubted whether the constitution of any Board was strictly legal; is that your opinion?—We have experienced great difficulty in the Home Office on that point.

337. What do you propose as a remedy for that?—I think that Boards of Conservators should be made representative; I think the present system of electing them at quarter sessions practically places the election in the hands of men who, however well they may have carried out their duties, have not that interest in the management of a river which a constituency ought to have.

338. Upon what principle would you make them representative; would you have them elected by the persons interested in the fisheries?—I should have them elected by the persons interested in the fisheries, or rather the persons interested in the river; but that opens a much larger question, namely, who are the persons interested in the river.

339. Where you have an estuary in which the public have a right of fishing, all Her Majesty's subjects are interested, are they not?—Certainly; part of the constituency consequently being the license-holders who fish there; but, then, I should not wish to place the whole of the power in the hands of the license-holders.

340. What do you propose as a scheme that you would consider a practicable one? — I have thought of a scheme, which of course I submit to the Committee as capable, no doubt, of great amendment; I think there are three interests which ought to be represented: first, there are the owners of property on the river, the riparian owners. Next, there are the owners of several fisheries on the river who represent a distinct interest from the owners of property. The third portion of the constituency are the license-holders.

341. You mean those who are interested in the public waters?—I did not intend to confine the expression "license-holders" to those fishing in public waters, except that I would not allow any one who had voted in any other capacity to vote as a license-holder; otherwise the license-holders could, perhaps, swamp the constituency.

342. How would your machinery work?—In any river I should determine (I think a bye-law would be better than a general enactment) a definite number of conservators; for instance, you might have twelve or nine or eighteen or any larger number of conservators for the river; and one-third of the Board of Conservators I should allow to be elected annually by each of the three constituencies, whom I should create for the purpose of river management.

343. Whom would you have to make that bye-law; in the case of a district where there is no Fishery Board at present?—In the case of a district where there is no Fishery Board at present I should have the central authority make that bye-law in the first instance.

344. You mean to make regulations for the first election?—Yes, to make regulations for the first election. In the case of a district where there was a local authority and a Board of Conservators, I should allow the Board of Conservators, with the sanction of the Home Office, to determine those regulations in the first instance.

345. I gather that you would give an opportunity of changing the constitution of the Board entirely in three years, by making one-third of the number retire at the expiration of each year?—No; I meant the Board to be elected annually, but I would allow a member to be capable of re-election.

346. You mean the whole of the members I suppose?—Yes; my only reason for proposing an annual election is, that the public fishermen vary from year to year, and therefore the constituency varying, they ought to have an opportunity of electing their representatives annually.

347. But does it not appear to you that the principle upon which the members of the local boards of health, and members of town councils are elected, namely, that of making one-third of the number retire every year, is a desirable one, where you have a permanent Board; suppose you had a complete change every year, do you not think that the machinery would be likely to get out of gear?—No doubt; that is a portion of my scheme, which might be better if it was amended in that way; I presume you mean that

Mr. *S. Walpole.*

15 March 1870.

one-third of each portion of my Board should retire, and I think that would be a decided improvement.

348. To make a change in the whole constitution of the Board in three years, if the electors (if we may use that word) thought it desirable to do so?—Yes, that would carry out all my objects, and would avoid the possible inconvenience which you have pointed out.

349. How would you regulate the votes of the riparian owners in the upper part of a river who have no several fishery?—I purposely avoid dividing the river into upper and lower proprietors. I think the Legislature ought to avoid recognising the jealousy that practically exists between the upper and lower proprietors, and I should like to take the riparian owners as a whole.

350. Do you mean the whole of the owners from the source of the river to its mouth?—In the case of riparian owners I should take the whole of the owners above the tidal water to its source.

351. Do you not clearly draw a distinction between the upper and lower proprietors if you stop at the tidal flow?—Yes; to a certain extent. But the inconveniences of allowing the proprietors below the tidal flow to vote would be great from their enormous number; for instance, in the case of the Tyne, which flows through a great town, the difficulties would be almost insuperable if the owners of the tideway were allowed to join in the election.

352. But are there not portions of other large towns which are equally beyond the tidal flow?—No doubt there are such towns, but they are not so large.

353. Will you take Windsor as an instance?—My answer would be that Windsor is not so large as London.

354. Take Gloucester and Worcester, both of which are much more considerable than any place lower down on the Severn?—Gloucester is on the tidal flow.

355. Take Worcester and other towns up the Severn: Shrewsbury and other places?—No doubt there are difficulties in the way.

356. Will you begin at the extremity of the fishery district of the Tyne?—I think every riparian owner on the course of that river possessed of a certain rental, amounting to a certain sum, whether 10 *l.* or 20 *l.* or a larger sum a year, might vote.

357. Rental from the land?—Rental from the land. I should say that any proprietor possessed of that qualification should, if he chose to exercise it, have a voice in the election of one-third of the Board of Conservators. If his qualification was much larger, I would give him a plurality of votes.

358. Applying the principle of Stourges Bourne's Act?—Yes, quite so; but of course the plurality of votes not rising quite in the same proportion as his qualification, and no proprietor being allowed more than a certain number of votes.

359. But would you do that whether the owner of the shore abutting on the sea was entitled to fish or not; why should the Duke of Northumberland have a voice in electing members in respect of land abutting on water which belongs to the public, and in which he has no interest whatever?—I am very much obliged to you for that question, as it has reminded me of my real reason, which I had forgotten, of allowing the riparian owners above the tideway only to have a vote. Below the tideway the riparian owners would either have no direct interest in the river or would be represented as owners of several fisheries.

360. When in the Tyne district you get along the sea coast to the mouth of the river, and enter the estuary, there, as you are aware, in what are called the public waters (I mean the tidal waters); it has been settled by one of the superior courts that his Grace the Duke of Northumberland is the owner of the fishery?—Yes.

361-2. That there is no right of public fishing, and that in fact he is a grantee of the Crown anterior to Magna Charta?—Yes; he would have a vote in respect of that water as the owner of a several fishery.

363. On the assumption that the Duke of Northumberland is the owner of a several fishery in that tidal water from the bar of the Tyne to Howden, five miles up the river, how would you regulate his Grace's right to vote?—His Grace would vote as the owner of a several fishery; that is to say, as a person in the second portion of my constituency.

364. With regard to that same water, of course, if there are other persons who are owners of several rights of fishing up to the limits of the tidal flow, the same rule would apply equally to them, would it not?—Quite so; they would all join in the election.

365. Would you give any other person a right of voting in respect of that same water; with respect to fishermen, for instance, would you have them represented; you cover the whole of the Tyne from the limit of the tidal flow to its mouth by the owners of several fisheries?—Yes.

366. Would you, in respect of persons fishing in these waters, give any right of voting?—There could be only the persons whom his Grace or other owners of several fisheries employed.

367. You would grant no right of voting to holders of licenses?—No; I think I have already stated that I would not allow those men to vote as license holders, because by so doing I think I might swamp the representation of the license holders. I would not allow any man to vote in two capacities. If he was the owner of a several fishery, he should not vote as a riparian owner. If he was either one or the other he should not vote as a license holder, and no one fishing under his direction, that is to say no servant of his, should be allowed to vote in consequence of fishing.

368. We have now the case of the tidal limits of the Tyne before us; we know that the Duke of Northumberland and other persons are owners of the whole of the fisheries in that portion of river—owners of several fisheries; would you give in respect of that portion of the Tyne, either to a riparian owner or any other person, the right of voting?—I would only give it to the owners of the several fisheries.

369. Assume that in the case of the Tees, within similar limits, the public have the right of fishing, and that there has been no grant prior to Magna Charta, what would you say in that case?—Under my scheme, the public fishing in that water would, with the other license holders, elect a third portion of the constituency.

370. You would give them votes?—Certainly.

371. How would you confer the votes; the license duty, we will say, is 1 *l.* for the use of a net of a particular length?—I should give each man who held a license one vote for his license.

372. However small the amount might be?—I do not think, practically, that the inequalities are very great.

373. Take

373. Take the case of fishing during the past season; suppose a man has paid 1 *l.* for a license, and you have your election, say in January, would you give a man who paid a sovereign last year the right to elect the Board for next year?—Certainly; that is the only constituency I could get; but I should have my election before January. I do not see how, if you had your election in January, you would have time to arrange matters. I would elect the Board as soon as possible after the close of the previous fishing season.

374. In October or November, I suppose?—November would be better on account of the rod season.

375. Now as to fresh waters, there you would give a vote to every riparian owner?—To every riparian owner.

376. How would you regulate the number of votes in that case?—I should allow every riparian owner who had land abutting on the river of a certain annual value, which I leave blank, to have a vote; and if he was a very large owner, I would give him two or three, or in some cases, possibly four votes. I would never allow the possibility of cumulative voting to be carried beyond a certain point.

377. By the present Act, a magistrate of any county who has land abutting on a salmon river of the value of 100 *l.* per annum is, *ex officio*, a conservator?—That I should propose to repeal; I think it draws a very objectionable distinction between a magistrate who has land, and a private person who has land; and it has this inconvenience also, that as magistrates are the people before whom offences under the Salmon Fishery Acts must be tried, it is, if anything, desirable that they should be just the persons who are off the Boards. They must enforce the penalties under the Act of Parliament; and it is desirable, as far as possible, that they should not join administrative and ministerial functions.

378. You are aware that there is a provision in the Act of Parliament that magistrates may act now, except in cases where they are personally interested?—Yes.

379. Do you think that a proper provision?—That was introduced, because in a great many cases it was impossible to get any magistrate who was not a conservator. If you had not a clause of that description it would be equivalent to saying that there should be no tribunal.

380. Do you not think that a provision of that kind would quite meet the difficulty which you now suggest about magistrates being interested persons?—I think it does not meet the objection that it is desirable that the law should not go out of its way to make magistrates members of the Board where it is not absolutely necessary.

381. Your principle, if carried out, would have a very wide application. No magistrate could act in any case affecting a turnpike-road, and a multiplicity of cases which I could mention; is not that so?—I do not propose to carry out the principle to its full extent; I am only saying that undue means should not be taken to put magistrates on Boards of Conservators. I think the Act of Parliament has gone out of its way in that respect.

382. Only if they have a substantial interest on a particular river in land abutting on it?—But a man who is not a magistrate, but has precisely the same interest, is not allowed a seat at the Board.

383. Unless elected?—Just so; but his interest is as great as his neighbour's, who is a magistrate, and is a member whether he be elected or not.

384. Then with regard to the fresh water, would you have any other persons entitled to vote than the riparian owners?—The riparian owners would be the only persons in that portion of the constituency; but if there were people, as there might be, not riparian owners, who took out rod licenses, of course they would be able to vote among the license holders.

385. You would give a riparian owner a right to vote, and you would give the person who with his permission fished upon his land and paid 1 *l.* to fish, the right to vote also?—I would give the right to the license holders.

386. But if the landowner happened to exercise the right himself, you would not give a double vote, would you?—No.

387. Then why draw that distinction?—My reason for drawing that distinction was to meet the case of association waters, which are simply taken from private men; they are rented from the riparian owners by a body of gentlemen, who agree to take the waters for the purpose of angling.

388. But do you not think that they are represented through the riparian owners; take an owner of land five miles in extent who fishes himself and lets his friends fish, and then take another case quite similar, but where the owner lets his fishing to an association, why should we draw a distinction between the two cases?—A man who fishes himself has clearly an interest in the fishery politics of the river, whereas a man who lets his water for fishing purposes, probably from the very fact of his doing so, has no interest whatever in the fishery, and he would take no active part in the fishery politics of the river, and therefore the man to whom he hands over his right ought to receive some representation.

389. If the fishing season is over, and these men are to elect the Fishery Board for the following year, the interest of the landowner being permanent, whilst their interest is entirely gone, might not that operate against the riparian owner?—Not if he has a third share of the representation on the Board. The Committee must bear in mind that there are three interests in the river which ought to be represented, and that seems to be a rough way of securing adequate representation. I do not at all wish to insist upon my scheme as a perfect scheme; any scheme of this sort must be capable of improvement.

390. You have stated that where a riparian owner on the fresh water of a river lets his fishing, you would give the persons who pay license duties the right to vote; but where his Grace the Duke of Northumberland lets his fishing in tidal water, you would not give the men who pay license duties the right to vote; why do you draw that distinction?—I should give the owner and occupier of a several fishery the right of electing, in the second portion of my scheme; I do not wish to confine the right to the owner, where it is let to another man.

391. Although the occupier may only be an occupier for one year, and may have no intention of occupying in future?—That is the contingency of every franchise. You must deal with the people you happen to find.

392. Does not it appear to you that those who have

Mr. *S. Walpole.* 15 March 1875.

have a permanent interest in the fishery are the persons who would be the most likely to manage it with due regard not only to their present interest, but to the permanent interest of the river?—I thought the objection to my scheme would be probably the exact converse of yours, viz., that I was giving the owners of property too large a share of the constituency.

393. But if you take care that the fisheries are managed in such a way as to improve them, you do a better thing, do you not, than if you put them into the hands of persons who leave, perhaps, the moment the fishery has been destroyed?—Yes; but you are met with this argument, that those men who are temporarily interested in the fisheries are greatly interested in the rate fixed on license duties, and they would say those things are settled for us by a Board in which we are not represented, and we think we ought to have some representation.

394. I quite follow you so far as the case of the men who are fishing in waters where the public have a distinct right; but I gather from you that you think the same principle applies to the cases of the Duke of Northumberland and others who are owners of several fisheries, and where the public have no right to fish at all except by leave of the owner?—I think that the Duke of Northumberland's tenant is sufficiently interested in the fisheries of the Tyne to entitle him to be represented in some way or other on the Board of Management of that river.

395. Then the numbers you would have settled by the Board with the sanction of the central authority?—Yes.

396. Having regard of course to the especial circumstances of each river?—Yes, quite so, having regard to the size and extent of the river.

397. You would propose that there should be powers to regulate and vary the number of conservators from time to time?—Yes; we have the power as things are now to alter the numbers of the Board of Conservators, if we add a tributary which flows through a fresh county, but there is only the power in that particular case; but if we add nine-tenths of a county which has existed before, we have no power.

398. You think that there should be a general power to vary the number from time to time as circumstances render necessary?—Yes.

399. With regard to license duties, do you suggest that the amount of the license duties should be at all controlled by the central authority, or left entirely to the Board?—I think it is extremely desirable that it should be controlled by the central authority, as it is now.

400. As to the power to water bailiffs to traverse banks of rivers, do you think that that power should be extended?—I think it should be extended, but I am not in favour of giving an absolute power. A justice of the peace has the power to authorise the water bailiff to enter upon land where there is reason to suppose that illegal practices exist, but that only lasts for 24 hours; I propose to extend that power to one month.

401. It is practically useless at present, is it not?—It is absolutely useless at present.

402. During the time occupied in going to a magistrate for a warrant the fish are all poached?—Yes. I should give power to a justice of the peace to authorise a water bailiff to enter upon any suspected land for a good month; I think that a month is sufficient.

403. Is there any good reason why a water bailiff, who is not unfrequently a member of the county constabulary paid by the Fishery Board, should not have the power to traverse banks of rivers?—Yes, there is this reason, that I believe you would provoke a great deal of opposition which it is politic to avoid, especially from landowners who are large game preservers.

404. They are the very men who are interested in preserving salmon in rivers, as well as game on land, are they not?—Yes, certainly; but they object to it in a great many cases.

405. But supposing they did not object, you think it would be desirable that water bailiffs should have that power?—If I had the management of a river in my hands, I should ask leave for every water bailiff to have that power; but I do not wish to provoke that opposition to which I have referred by registration on the subject.

405. I gather from you that otherwise you would like that power?—Yes.

407. Then with regard to searching persons suspected of having fish in their possession, have you any suggestion to make to the Committee on that point?—Yes; I think the defect in the law is that while a water bailiff has the power to search baskets and bags, and so on, he has no power to search pockets, so that if he saw any gentlemen on the river side actually catching young salmon, and putting them into his pocket, the water bailiff would have no power to do anything in the matter.

408. You think that the existing power should be extended so as to authorise the water bailiffs to search the person, as well as bags, baskets, and nets?—I think it is desirable.

409. Now with regard to mill races, would you think it expedient that all head-mill races, or any artificial openings of that kind, should have a grating placed across?—Yes, both the head and tail race during certain periods of the year.

410. You mean, I suppose, during such periods of the year as the fish are running up or down the stream?—Yes, while they are running up, and during the spring, while the fish particularly are coming down.

411. Do you agree with the evidence given by Mr. Buckland on that point?—As far as I remember his evidence, I believe, I thoroughly agree with him.

412. Now with regard to the boats which are used in fishing for salmon, do you not think that they should be marked in the same way as pilot boats and other boats are?—I think it is extremely desirable that they should be marked in some way or other.

413. You would think it desirable that no boats should be allowed to fish unless they were marked in some way, so as to be easily distinguished?—In some way to be decided by each Board.

414. Mr. *Knatchbull-Hugessen.*] You know that they are numbered on the Tweed, do you not?—Yes; and also in some of the sea fisheries.

415. *Chairman.*] Is that under some provision in the Tweed Fisheries Act?—I believe so.

416. And you would have that practice adopted generally with respect to fishing boats?—Yes.

417. As to the mode in which you would pass salmon over navigation weirs; at whose expense would you require that to be done?—At the expense of the conservators.

418. I take it that you would have to take the

pass

pass round in some way so as to avoid the locks?—You would have to adapt it to the circumstances of the weir.

419. And that you would do at the expense of the conservators?—That I would do at the expense of the conservators, my view being that navigation weirs have got a title by means of Acts of Parliament which it would be impolitic to attempt to disturb.

420. Another minor alteration is with regard to eel traps?—I think that there ought to be an Act for forcing their removal during the time when, practically, as we know, eels are not running; that is to say, during the summer months.

421. Do you think it desirable that there should be further legislation on the subject of trout fishing?—I wish to suggest further legislation as far as trout fishing now interferes with the preservation of salmon.

422. You think that there should be further legislation on that ground?—Yes. At present, as you know by the 64th section of the Salmon Fishery Act, 1865, the salmon fishery law is partially applied to trout; that is to say, as far as fishing with certain implements and using roe as a bait are concerned. The section also enacts that in rivers in which there is a board of conservators, no person shall fish for, or attempt to catch or kill any trout between the 2nd of November and the 1st of February following. That is, practically speaking, in the angling close time for salmon. I would extend that power, and I would prohibit netting for trout during the netting close season for salmon, because experience shows that netting is carried on under the pretext that they are netting trout by persons who are really catching salmon. The other point is that I would prohibit the possession of trout during those months in which their capture is illegal. It seems to me to be inconsistent to allow trout to be sold and to be in the possession of a person close to a salmon river, when we know that their capture is illegal. The easiest way of preventing their capture is to prevent their being sold.

423. With respect to char, have you anything that you wish to bring before the Committee?—That hardly affects the salmon fisheries so much, but I think that the char fisheries are in a very exhausted state. There is a very strong feeling in that part of the country, which is interested in the subject, in favour of a close season for char. The Kent Board of Conservators have, I think, memorialised Parliament (but at all events they have memorialised the Home Office) on the subject, so I should have been sorry to overlook their representations.

424. So far as the salmon fisheries of the kingdom are concerned, char is a matter of very minor importance?—Just so.

425. Is the practice of destroying fish by means of quick lime much resorted to?—Yes, it is much resorted to in some parts of the country; my attention has been drawn to that by the Usk Board of Conservators. By the Malicious Injuries Act, very severe penalties are inflicted on persons liming fish in private fisheries. That is under the 33rd section of the Act, and I should extend those penalties, or some very severe penalties, to persons liming fish in fisheries that are not private.

426. Now, with regard to penalties, do you think it desirable that there should be minimum penalties in certain cases?—Yes.

427. In the case, for instance, of a second offence?—There is in that case already.

428. Would you have minimum penalties in every case?—I am inclined to think that it is desirable; in some cases the fines inflicted by the justices are so extremely small that I believe it is an absolute encouragement to poach; I have been very much struck this year with the very great increase of poaching on the Tees, and it seems clearly attributable to the extreme lowness of the penalties inflicted.

Tuesday, 22nd March 1870.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Herbert.
Mr. Staveley-Hill.
Mr. Knatchbull-Hugessen.
Mr. Liddell.
Mr. Wm. Lowther.
Mr. Pease.
Earl Percy.
Mr. Evan Richards.

JOSEPH DODDS, Esq., in the Chair.

Mr. Spencer Walpole, called in; and further Examined.

Mr. *S. Walpole.*
22 March 1870.

429. *Chairman.*] Will you kindly state when we are likely to have your Report for last year?—It is in the printers' hands, and we are on the point of sending it for final revision. I hope to be able to transmit it to the Home Secretary at the end of this week or the beginning of next.

430. The Committee have had some evidence from you with regard to the application of the powers of the Lands Clauses Consolidation Act; have you ever prepared a clause that would give effect to what you desire in that particular?—I did once speak to the Parliamentary draughtsman on the subject of preparing a clause to that effect; and he proposed to incorporate certain clauses of the Lands Clauses Consolidation Act, into the Salmon Act; I cannot remember the exact clauses, but I can furnish them to the Committee.

431. Will you be kind enough to do so at the next sitting of the Committee?—I shall be very happy to do so. It went to this extent, that a rough outline of a clause was prepared, incorporating those particular clauses in the Bill.

432. I asked you with regard to your Report for last year, because I know that during the recess you have made inquiries with regard to the legality of the dams that remain to be inquired into?—Yes, generally.

433. Have you at all ascertained what number of dams of that kind exist throughout the country?—No; I am sorry to say that the answers which we received to the question we sent to the Tees Board, as well as the other boards of this country, were so manifestly incomplete (and the Boards themselves said that, from the shortness of the time, they were necessarily so), that it was hardly fair to the local gentlemen who had prepared them to print them. I may say that the Usk case struck me as very remarkable: they gave instances of 200 weirs in their district.

434. I am afraid, then, that your forthcoming Report will not assist the Committee very materially on that point?—I am afraid not.

435. May we take it that there are a considerable number of those weirs remaining to be considered and disposed of as weirs, with regard to which there may be questions as to their legality or otherwise?—I think there may be a very considerable number to be disposed of, but I think that opens another question, namely, how far these dams may be really interfering with the passage of the fish. I make that distinction because Mr. Paterson in his evidence, perhaps justly, took exception to a passage in my Report of last year, in which I drew attention to the very large number of dams to be inquired into. He replied by saying that though there are a very large number of dams to be inquired into, it would not be necessary to inquire into them, but only into those which are interfering with the passage of the fish.

436. That was the case with Taw and Torridge, was it not?—Yes, it was a statement of mine with regard to these rivers which, it was alleged, was inaccurate. I stated that there were 400 weirs on the two rivers; and my statement was based on my very vivid recollection of a consversation with a conservator. I presume now that he must have told me that there were 200 weirs on the two rivers, not 200 on each river; but my argument would have been just the same whether the whole number had been 200 or 400.

437. Now with regard to dams, there is one other question which I wish to ask you with regard to navigation dams; you mentioned, on your last examination, that those dams might be considered as having the sanction of Parliament to a certain extent, and that, therefore, you thought they could not be interfered with?—I said I thought it would not be politic to disturb the title which Parliament had given them.

438. But if it should appear that Parliament has sanctioned the erection of navigation weirs, and it is now found that those weirs are productive of damage to the fishery proprietors, would there be anything unreasonable in Parliament now imposing, in certain cases, an obligation to remove the inconvenience, as far as practicable, by the construction of improved fish-passes?—I think Parliament would be justified in giving the conservators of a river every facility to construct fish-passes over dams, but I do not see how you could ask the owners of those dams, the companies

panies to whom they belong, to undertake that task, when really the owners of the fisheries have allowed, in some cases, a century to elapse without having taken exception to them.

439. We know that the salmon fisheries have been very much neglected, and that it has not been the duty of any board to protect them, but now that the public attention has been directed to what must be admitted to be a continuing mischief, would it not be reasonable that Parliament should undo a part of the mischief which they have done?—Parliament has been almost continuously legislating on the subject of salmon fisheries down to the present time; and though Parliament has had an opportunity of tracing the decrease in our fisheries to those navigation weirs, yet it has never thought fit to interfere with their title. My own view, then, is, that it would not be right to disturb that title now, considering the very long period which has elapsed since they acquired it.

440. But last year there was some special legislation with regard to some proposed new dams on the Severn, and Parliament made a special enactment for erecting passes on them?—Yes.

441. Is there any good reason why a similar principle should not be extended to comparatively modern dams; say, to those dams which have been erected within the last 10 years?—I would quite go with you as to dams erected within the last 20 years.

442. You think that the owner might in such cases be required to provide fish-passes at his own expense?—Yes; but I do not believe that there are any navigation weirs in the kingdom constructed within the last 20 years which are unprovided with fish-passes. Of course I am not saying positively that I am right in that point, but I believe that I am right.

443. At the last sitting of the Committee you gave us some of your views with regard to electing Boards of Conservators; may I inquire if the principle of having elective boards instead of boards appointed as they are now, has been suggested to you by anyone?—The principle was originally suggested to me by the honourable Member on your right, the Under Secretary of State for the Home Department, and I thought the suggestion extremely valuable, and at his request I prepared a rough scheme, the outline of which I tried to explain to the Committee the last time I was examined. Since then, in deference to a wish expressed by one of the Members of the Committee, I have prepared a short memorandum which, perhaps, the Committee will allow me to read, explaining my own views, and, I believe, the views of the honourable Member on your right more accurately. I have modified my scheme in one or two particulars in consequence of the remarks which were addressed to me by the Chairman.

444. Will you kindly read to us that statement, the question being a very important one, because the constitution of boards of conservators has been questioned as it exists at present, and if we condemn the system, it is very desirable we should be able to suggest another mode of meeting the difficulty?—It is of much importance at present, and it will be of more importance if extended powers are given to boards of conservators, as I hope will be the case. I will now read the statement which I have prepared: "In deference to the desire expressed by the Committee on Tuesday last, I have prepared the following memorandum on the constitution which I propose for the boards of management for our salmon fisheries; but I may at once say that I do not believe that it would be possible for any one person to prepare a perfect scheme of this description. All that I can hope to do is to describe the rough outline of a constituency which I believe, on the whole, would be satisfactory. My examination on Tuesday has led me to reconsider one or two details. I have no doubt that a further discussion on the matter might possibly lead me to the conclusion that still further amendments were desirable. If large and extended powers are, as I propose, to be entrusted to these boards; if they are to be allowed, subject to the approval of a central authority, to regulate the annual and weekly close seasons, the amount of license duties, the mesh of nets, the mode of using them; it seems to follow that some steps should be taken to make them strictly representative of the interests with the management of which they are concerned. The interests on a salmon river are, in one sense, identical. Legislation contributing to the advantage of a river ought to contribute to the advantage of every interest upon it. But, in another sense, those interests are anything but identical. There is a perpetual struggle as to the share of fish to be enjoyed by the upper and lower proprietors. There are perpetual jealousies between the two classes. It is essential, therefore, that a board should fairly represent each of these interests, while, at the same time, it seems desirable that the Legislature should not, by drawing an arbitrary line between the upper and lower men, as it has already done in the case of Scotland and Ireland, array the two sections against each other. The three interests which I think ought to be recognised are, first, the riparian owners above the tideway; second, the owners or occupiers of "several" fisheries; third, the public fishermen fishing in public waters. The first of these interests is concerned in the permanent welfare of the river; the last of them in the temporary advantages they can derive from it; the second should hold the balance between the two parties. They are lower men with the sympathies of a tidal fisherman; but, more even than their upper neighbours, they have an interest in the permanent welfare of the river, which ought to induce them to resist any undue encroachments on the part of the net fishermen. In order that each of these three classes might be adequately represented, I should propose that each class should elect an equal number of representatives. The machinery for their election I will subsequently consider. The qualification of a constituent in the first class should be the possession of a definite extent of frontage, and of property of a definite value. The double qualification is, I think, necessary, in order to ensure the elector not being merely a landlord, part of whose property abutted on a river, but to ensure his having a definite interest in the river itself; the amount of the qualification would be a matter for subsequent consideration: a quarter of a mile of frontage, and an annual value of 20*l.* might be a minimum, but I have no wish to insist on these figures; they can only be fixed after very careful consideration by those who have an intimate acquaintance with the circumstances of our rivers. To a certain extent I should provide for cumulative voting; that is to say,

Mr. *S. Walpole.*

22 March 1870.

Mr. *S. Walpole.*

22 March 1870.

say, a man with half a mile of frontage and 80 *l.* a year should have two votes. The man with a mile of frontage and 320 *l.* a year three votes, and an additional vote for every additional mile of frontage, together with every 320 *l.* further value; but I would not allow the principle of cumulative voting to be carried beyond a certain point. In short, I would not allow any one proprietor to have more than, say, four or six votes. I give the suffrage to the proprietor and not to the occupier, because I wish the first portion of my constituency to represent the permanent good of the river. To a tenant holding from year to year, therefore, I should not allow a vote under any circumstances. But it is a question whether a leaseholder holding for a definite term of 21 years ought not to have a vote in lieu of the landlord. In no case would I allow both landlord and tenant to vote in respect of the same property. The first class of my constituency commences at the source of the river, and ends with the tideway. Brinkers below the tideway have presumably no interest in the river, and therefore I do not include them in this class. The second portion of my constituency comprises the owners of 'several' fisheries in the tideway. In their case also I would allow the occupier holding for a definite term of, say 21 years, a vote in lieu of the proprietor. In their case also I would admit of cumulative voting. I should be inclined to calculate their qualification on the annual value of their fishery if it were ascertainable; otherwise on the amount of license duty which they paid for it. Every 20 *l.* of annual value, or every 10 *l.* of license duty might entitle the proprietor to one vote, no proprietor being allowed above a certain number of votes. The third class of my constituency would include all the holders of licenses in public waters; I have altered my scheme to confine this franchise to men fishing in public waters. If a system of personal licenses were introduced, as I propose it should be for public waters, each man taking out a license would have a vote. This part of my scheme does not seem to require explanation. Within a week after the termination of the netting season, I should propose that a place and time of election for the board for the forthcoming year should be advertised by the clerk of the board (the time to be not less than three weeks, and not more than two months after such advertisement). The clerk should also be bound to forward forms of voting paper, (*a*) to all license-holders in public waters, (*b*) to all owners of 'several' fisheries in tidal waters who had taken out licenses, (*c*) to all persons who furnished him with satisfactory proof that they were qualified to vote under either of the first two heads. In the two last cases the clerk of the board should be bound to keep a register of such persons, and furnish them with the requisite notices in forthcoming years,—the presumption being that they continued to hold the necessary qualification till proof was given that they had parted with it. I would conduct the voting in the same way as all elections for charities, &c.; that is to say, the elector should fill up his form with the name of the representative whom he desired, and should be allowed, in the case of those who had more than one vote, either to give all the votes to one man or to divide them between different candidates. One-third of each section of the board should retire annually, but should be eligible for re-election. It is, however, clear that this scheme is only applicable to those rivers in which, at any rate, a portion of the tideway is the exclusive property of particular individuals, and another portion is enjoyed as a common fishery by the general public. There may possibly be cases where the whole of the tideway has either been appropriated to particular persons, or is entirely common to the public fishermen. There are certainly cases in which the public fishermen, and there are other cases in which the owners of 'several' fisheries, enjoy respectively a very small proportion of the estuary. If there be a case where there are either no public fishermen, or, on the contrary, no 'several' fisheries, it is clear that my board must be elected by only two portions of the constituency I have suggested. But in those cases where there are public rights of fishery, but the public rights are very limited, it seems fair that the public fishermen should, on the one hand, be represented on the board, but, on the other, that they should not have so large a share in the representation as I have contemplated in the preceding remarks. I would suggest, then, that the public fishermen should not elect a third part of the board unless they contributed a definite proportion, say one-third of the revenue. Should the receipts from the public fisherman, either from his restricted rights, or from other causes, fall, on an average of years below that point, I would limit the amount of his representation to a corresponding extent. Conversely, I would apply the same principle to the owners of several fisheries, except that I would not require them to contribute so large a sum as one-third to the revenue of the board, to entitle them to their share in the representation; it would probably be, on the whole, fair to say, that if one-sixth of the revenue was derived from them, they would be entitled to one-third of the representation; if the amount derived from them were from any cause to be below that sum, their share in the representation should, as in the case of the public fishermen, be diminished to a corresponding extent."

445. Do you contemplate having only one meeting at which all parties should attend in person?—No; I did not at all intend that the claim should necessarily be made in person.

446. But that the franchise should be exercised in person?—I contemplate that the franchise should be exercised by means of voting papers to be sent to the clerk of the board properly attested; it would be unfair to make members living at a distance come up to vote.

447. Take the Tees for example, the meetings of the Fishery Board on the Tees are held at Darlington, but the fishermen could not come 25 miles to vote?—That is why I throw upon the clerk of the board the onus of sending those forms to the public fishermen to be filled up.

448. But after giving the subject mature consideration, I gather from you that you think that scheme is calculated to effect the object the Committee have now in view?—I think so, subject to the modifications which any committee of gentlemen could necessarily introduce from their own resources and experience.

449. The principle of an elective board did not find its way into the Bill of last Session, did it?—I believe it was thought that it would "load" the Bill unduly.

450. I gather from what you have said, that you think if a new Bill should be introduced, it should embrace some provisions of this kind?—I think it would be a very valuable amendment.

451. Have

451. Have you given further consideration to the question of how funds can best be raised where it becomes necessary to buy up dams, or for any purposes of that kind?—I adhere to my former statements; first that, in productive rivers it should depend on the license duties. With regard to my objections to a rate, I have endeavoured to prepare a table which, I think, may possibly illustrate that more clearly than I did before. The return which I hold in my hand now, is a return of the total number of fishermen fishing in public waters, and the total number of fishermen fishing in private waters. The rate, of course, would fall solely on the private fisheries.

452. The rate would, of course, be confined to the fishery districts?—Yes; we have no other official returns. The sum of the return is this: There are 1,896 net fishermen fishing in public waters, and there are 983 net fishermen fishing in private waters. Therefore, if you were to adopt a rate, you would be rating the fisheries represented by those 983 men, for the sake of the whole number, which is 2,879. Those figures express more clearly than any words of mine can the gist of my reasons against the adoption of a rate; but I can show this more clearly by taking the case of a particular river—the Teify. On the Teify there is a small obstruction which it is desirable to buy, so it is really a case in point. Last year on the Teify, there were 190 net fishermen fishing in public waters, who paid, as a matter of fact, 168 *l.* for their licenses. I assume that the value of that fishing must have been 3,000*l.* a year. According to the return from the Board of Conservators, there was no private fishery in that river fished at all, and the number of salmon caught in the private waters altogether, I believe I am right in saying, was about 30. Therefore, if you were to adopt a rate, you would be rating those private fisheries that only produce 30 fish a year, for the sake of those public fishermen who are earning some 3,000 *l.* a year.

453. Do I understand you to represent to the Committee, that the relative capabilities of the public and private waters are represented by your figures, or merely that the private waters were not fished to the same extent as the public waters?—I was merely stating a fact.

454. But do you rely on the circumstance that the relative values are what you describe, or on the circumstance that the private waters were not fished?—On the Teify, private fisheries have been gradually encroached upon by the public fishermen, and those public fishermen are so lawless that the private proprietors do not dare to assert their rights. It is a doubtful point whether some of the public fishermen have the right to fish where they do.

455. Is it the fact that in any part of the United Kingdom private individuals dare not assert their rights?—So I was informed in the neighbourhood.

456. But let me ask you whether the private waters might not be made as productive if they were fished as the public waters are?—Not nearly so productive as the public waters.

457. But they might be made more productive than they now are?—That I do not deny for one moment. I may mention that I took the case of the Teify, because it is a very striking case. I will now take another river, the Tees. There were last year, according to the returns from the Tees Board, 54 net fishermen in public waters, and there were 66 net fishermen in private waters; therefore, altogether, there were 120 net fishermen fishing in the Tees last year.

458. I dare say you are aware that it is a moot point whether the whole of the waters of the Tees are not private waters; whether they were not part of the possessions of the Bishops of Durham, as Princes Palatine, when they had *jurâ regalia*?—Yes, I have heard that; but it does not affect my argument, as I am dealing with the facts as they were. If you were to adopt the principle of a rate, you would be rating the fisheries represented by 66 men, for the benefit of the fisheries represented by the 120 men. If you meet me with the answer that you would increase the license duty on the public fisheries, so as to still force them to pay their due proportion, then I should reply that I can prove conclusively that you cannot increase the rate of licenses only beyond a certain point, without diminishing the receipts. The moment you raise the cost of the license, you get fewer men taking out licenses; each license pays a larger sum, but the aggregate payments are about the same as before.

459. You will remember the 18th clause of the Act of 1865, which, I think, we have referred to before, during this inquiry, the clause making rules with regard to evidence, and so on, making advertisements evidence after a certain period. Are you of opinion that the law may be very considerably amended in other particulars, in the same direction as Clause 18 goes?—Quite so; we want some similar proof, first that Boards of Conservators have been duly formed, and secondly, that licenses have been duly approved. We provided for that in the Bill of last Session. The 3rd and 4th sections contain, what I believe to be, a very valuable amendment.

460. If I understand you rightly, that entirely embodies what you now think necessary on that subject?—Entirely so.

461. The Committee have heard from you on certain points, particulars with regard to the law in England, the law in Scotland, and the law in Ireland; have you ever considered the feasibility of consolidating the whole of the Salmon Fishery Laws of the United Kingdom?—Yes, I have considered it; I do not think anybody could hold my appointment without considering it.

462. Will you be kind enough to give to the Committee the result of your consideration of that subject?—I think it is extremely desirable to consolidate the laws in Great Britain. I am not quite sure whether it is desirable to attempt to consolidate the Irish with the English laws. I think there are manifest objections in the case of one island to having a disputed territory, such as we have on the Solway, which is under nobody's jurisdiction. There we have the greatest possible difficulties, because the law is in an uncertain state.

463. But is there any reason why there should not be one amended law for the salmon fisheries applicable to the entire United Kingdom?—There is every reason for having one law for Great Britain, but I am not quite sure that I should consolidate the laws by including Ireland.

464. At all events, for Great Britain you would have one law?—I would.

465. Do you not think it would be desirable that we should have one Fishery Board for the entire United Kingdom?—I quite agree that there should be one central authority.

Mr. *S. Walpole.*

22 March 1870.

466. But I am not speaking of the central authority; that we already have in the Home Office?—In the Irish fisheries, the central authority is the Lord Lieutenant.

467. My question goes beyond that; do you not think it desirable that we should have one properly constituted Fishery Board for the United Kingdom?—I think there are grave objections to having a board which is not absolutely dependent on a responsible Minister of the Crown. I think my colleague and I are almost too apparently independent of the Home Office now. I like the executive officers of the Home Department to be directly under the Secretary of State.

468. If you had one board consisting of five members, one of those members being the Secretary of State for the Home Department, or the Under Secretary of State for the Home Department, or the President or Vice President of the Board of Trade, and associated with him either two or four other persons, an engineer, a lawyer, a competent barrister, and so on, an efficient tribunal, provided with any given number of inspectors for the whole of the United Kingdom; do you not think that such a board as that would work very satisfactorily and advantageously?—I do not say that it might not work very satisfactorily and advantageously; but it seems to me that you are proposing a needlessly expensive arrangement.

469. But I think it would tend very much to diminish expenses; we have in this part of the country at present Special Commissioners and inspectors, and in Scotland I think there are some public officials—certainly there ought to be—and in Ireland we have the same thing; what do you think of such a board as I have roughly suggested?—It is a question which is difficult to answer without more time to think of it than I have now; but I may say that my own view is that our fisheries should be under the immediate supervision of a Parliamentary Minister. That that Minister should have certain officers under him, whether two or three, and with whatever qualification Parliament might think it advisable they should possess; but let those officers be under the immediate orders, not colleagues, but under the immediate orders of the Parliamentary Minister. I think we have an immense advantage in our inspections, in being able to say, "We cannot give you an answer; it must come before the Secretary of State." But if we were the colleagues of a Parliamentary Minister we should be expected to give an immediate answer. If you were going to bring the other portions of the United Kingdom under the same central authority, then I think those officers of the Home Department ought to have some sub-inspectors under them; but I think that two inspectors in this kingdom, with one sub-inspector in Scotland, ought to be sufficient to supervise the fisheries.

470. At present we have three Special Commissioners and two Inspectors in England and Wales?—Yes; but the Special Commissioners have been created by Parliament, in its wisdom, as a court of law, to adjudicate on certain questions, and not to administer the fisheries of this kingdom.

471. But, as matter of fact, we have those officials; three Special Commissioners and two Inspectors for England and Wales?—Yes.

472. What public officers are there in Scotland connected with the salmon fisheries?—There are no public officers in Scotland actually connected with the salmon fisheries; there are two commissioners (of whom my colleague is one) who have been temporarily appointed by the Home Office to consider what amendments are desirable in the Scotch law, and to report to the Home Office on it; but I believe there are no officers actually holding appointments now in Scotland.

473. What officers are there in Ireland connected with the salmon fisheries?—In Ireland, by the Irish Act, two inspectors have been appointed. Since the date of that Act, the Sea Fisheries Act, which Mr. Blake brought into Parliament, was introduced, and that Act has authorised the appointment of one additional inspector, because it conferred additional duties. Mr. Blake was made that additional inspector last autumn.

474. I see the Scotch Fishery Act, 1862, provides for the appointment of three Commissioners; do I understand you to say that no such Commissioners are now in existence in Scotland?—My colleague tells me there are three Commissioners, but I believe they are only employed from time to time, and that they are paid according to the work done.

475. Mr. *Knatchbull-Hugessen.*] With regard to the Bill of last Session, I will ask you, as a matter of form, whether you agree with the definition given of that Bill by a previous Witness, that it was entirely useless?—No; I was a party to the adoption of that Bill, I think it contained some very valuable amendments.

476. I gather from you that, as far as it went, you think it would have been a useful measure?—I think it would have been extremely useful, especially with regard to the 20th clause; and that opinion has been expressed to me by the chairmen of some of the most influential boards of this country. I do not wish to limit this answer to merely my own opinion; I know that that opinion is shared by such authorities as the Chairmen of the Tyne and Usk, which are two of the best managed boards in this country.

477. Is it not the fact that the Bill, as originally proposed by me, went considerably further than it did when presented to Parliament, and that certain provisions were left out because it was thought that public opinion was scarcely ripe for their insertion?—Yes; I know that the Bill was very considerably modified in many respects.

478. Do you think that upon a question such as the question of salmon fisheries, it is desirable to proceed gently, feeling your way, rather than by attempting to do all that you might wish to do at the same time, to create possibly an opposition which it is desirable to avoid?—It is absolutely essential, in my opinion, to proceed by gradual legislation, to persuade people to come into your way of thinking, instead of attempting to storm their position in a summary way.

479. Am I correct in taking the gist of your evidence to be this; that you think that a good many desirable alterations will be best effected by giving to Boards of Conservators power to make bye-laws and to carry them out, having, of course, first taken care that your Boards of Conservators are so constituted as to command the confidence of the public?—With the proviso that the bye-laws should be approved by the central authority; I think that is the one great requirement which is necessary now.

480. One of the most material alterations that this Committee should consider, would be an alteration in the present constitution of the Boards of Conservators, you think?—I think it is certainly desirable that if Boards of Conservators are to have those very extended powers, they should be elected in some more popular way.

481. Then without pledging yourself to the details of the scheme which you have read to us, you have no doubt with regard to the general principle, that the Boards of Conservators, in order to possess that public confidence which we desire, should be in some form or another representative boards?—I very strongly think so.

482. Do you know whether the circumstances of England, Scotland, and Ireland, *quoad* the fisheries, differ so much that probably one scheme would not be equally applicable to the circumstances of the three countries?—My difficulty in answering that question is this: that the whole right of salmon fishing in Scotland presumably rests with the Crown as a beneficial right; whereas in England the right of salmon fishing in tidal waters presumably rests with the public. There is therefore a certain difficulty in applying the same law to the two countries; I am aware of that difficulty, but I think it might be got over.

483. You stated, in answer to Question 110, what I will now read; the Question is: "And you think it useless, I gather from you, to have any inquiry whether the dam is legal or not?—(A.) My view is that it would be impolitic and useless to have it;" will you please amplify that answer, and explain it; I mean with regard to the words "impolitic and useless"?—By impolitic, I mean that I think the effect of that inquiry would be to raise immense opposition among persons throughout the kingdom whose good will it is absolutely essential to secure, and who can do much more harm to us indirectly than we can possibly prevent by any protective measures, even if they did not succeed in throwing out any amended Bill which contained very stringent provisions. In one sentence, I think that such a clause would be opposed by the whole strength of the milling interest of this kingdom. With regard to the word "useless," I think it would be useless, because in my judgment all those dams have really a right to exist; that is to say that the generality of the dams have got a legal title, and that the only consequence of such an inquiry would be to establish their legality, and we should be no nearer our real object, which is that of getting the fish over the dams, than we are now.

484. You are speaking of Courts of Inquiry established for the purpose of specially ascertaining the legality of certain rights?—Yes; those were the courts contemplated in the question.

485. But you do not extend your objection to a Fishery Board, which I understood the Chairman to allude to rather as an administrative board; your objections are rather against these special courts of law?—Quite so; I am against instituting any tribunal which is to undertake a very extensive inquiry, which is sure to provoke great opposition.

486. Have we, in your opinion, nearly got to the point where we might leave questions of law which might incidentally arise in the administration of any Salmon Fishery Act, to the ordinary tribunals of the country?—We have got nearly to that point, but I should like to see the Special Commissioners complete the work for which they were originally appointed.

487. Have you yourself been obliged to consider the progress which the Special Commissioners have been making in the business which it has been their duty to undertake?—Yes; I have naturally considered that matter to a certain extent. I have before me all the judgments which they have delivered.

488. But with regard to the future, can you form any idea as to the length of time which must elapse before they will conclude their labours?—They were appointed to inquire into fishing weirs, and fishing mill-dams, and fixed engines; if their functions are entirely confined to those three points, I think they must be very nearly brought to a conclusion.

489. Your functions and the functions of the Special Commissioners are so distinct and separate, that there is no absolute reason why you should ever come in contact one with the other, is there?—We hardly ever come into contact with them; whenever I have, individually, been able to give any information to the Special Commissioners, which I thought might be valuable to them, I have made it my duty to do so; if I have become aware in my inspections of certain things which I fancied they ought to know, I have communicated it to them.

490. I have noticed a little difference in your statement, and that of one of the Special Commissioners, with regard to the number of passes that have been made since this Act was passed; it was alleged that many passes existed that were not binding on the parties?—I think that that was an allegation of Mr. Paterson, the first Witness who was examined by this Committee.

491. The allegation was, that the passes were not binding on all parties, because they were not formally approved by the Home Office?—I think, practically, that they are perfectly binding on all parties; that is to say, they are really built upon an agreement between the Board of Conservators and the owner of the dam, and that agreement is really as binding on all parties as the provisions of the Salmon Fishery Act. The practical results, at all events, have been this: that where a pass has been built in that way, it has hardly ever been disturbed, and if it has been disturbed, we have always come in and said, "We shall approve that pass, as a matter of course; if the miller will not carry out the agreement to which he originally consented, we cannot advise the Home Office to entertain the objections he raises now."

492. Do you think it is possible that one salmon pass can be made equally applicable to all rivers?—No; I think you must have a different kind of pass to meet the circumstances of each case.

493. Then how would you have that arranged; would you have a general power with regard to passes given to Boards of Conservators?—There is that power now; Boards of Conservators, with the approval of the Home Office, can attach a pass to any weir, of such form and dimensions as the Home Office may approve. Those words give a general power to the Home Office to adapt the plan to the requirements of the weir.

494. The circumstances of different localities vary greatly, do they not?—They vary exceedingly.

495. That applies to the close time and other points of contemplated legislation as well as

Mr. *S. Walpole.*

22 March 1870.

passes, does it not?—I believe that it applies to almost every point on which legislation touches.

496. That brings us back to what we started with; that it is absolutely essential that, as the local circumstances vary, there should be local functionaries to apply the Act in different manners?—That brings us to the point which is the one great want now.

497. Mr. *Herbert.*] You gave us a very elaborate statement with regard to the way of electing those Boards of Conservators, and in it you use these words: "It is essential, therefore, that a board should fairly represent each of these interests, while at the same time it seems desirable that the Legislature should not, by drawing an arbitrary line between the upper and lower men, as it has already done in the case of Scotland and Ireland, array the two sections against each other." Now what is that "arbitrary line" in Ireland?—As I understand the Irish law, it is that the Commissioners for Ireland are empowered to fix a certain point in each river, above and below which all the proprietors shall respectively be considered as upper and lower men.

498. But in what way do you think that acts invidiously; have you any practical proof that the upper and lower men are arrayed against each other?—No, I have no practical proof of that, except that of common rumour and report, which is that in all Boards of Conservators managing salmon fisheries, the upper and lower interests are supposed to be more or less at variance with each other.

499. Do you not think it would be much better that in stating a case of that kind, facts should be stated, and not what reports are?—I did not mean to cast any slur on Irish Boards of Conservators, I only meant in a general way to show what I thought would be the consequence in England of drawing that arbitrary line. The Scotch case is a stronger one, I think; in Scotland, you have the upper and lower proprietors in equal proportions on the board, and the largest proprietor has the casting vote. It is notorious that the Scotch are dissatisfied with this arrangement, and they have come to the Home Office and asked that it may be amended.

500. Can you explain to the Committee how the Boards of Conservators are elected in Ireland?—The license holders above and below the line which I have mentioned, each elect a certain number of conservators, and those conservators constitute the board.

501. Is not it a well-known fact that as a rule in Ireland the upper and lower proprietors have generally a majority in the board, or at least that it is so in many cases?—It may be so, but I fancied that the Board was equal; the Irish law is that the proportion should be equal.

502. But have you ever heard that the upper proprietors have occasionally had more people representing them than the lower proprietors?—No.

503. Have you ever heard that those upper and lower proprietors who are elected, quarrel on the Boards of Conservators?—No; my remark had reference to what I felt would be the consequence of any such arrangement in England.

504. It would be rather a difficult matter to carry out such a scheme as that, as far as the election of conservators goes, would it not?—I think that any matter of that kind may be difficult to some extent; but I think that it is possible to carry it out, and I think it is desirable to ensure to property a certain amount of representation, and I do not see how to do that unless you adopt a system of that kind.

505. But is not the property of the Irish conservators fully represented on the Irish boards?—No doubt that may be so.

506. Then would it not be better to amalgamate a scheme for England and Scotland, similar to that which is working fairly in Ireland?—I think if the Irish plan were tried in England it would not give property that representation which it is desirable to secure for it; I do not think that the license-holders in the upper waters in England are necessarily the same thing as the owners of property. I think the latter might be out-voted.

507. Now, with regard to the close time, do you not think that it would be advisable in those rivers which have run out of salmon, as a number of English rivers have, that not only should they have a close time such as they have in Ireland, but also that they should have a close time, say of 24 hours in the middle of the week, in order to enable the breed of the salmon to increase more rapidly than they otherwise would do, with only the 48 hours during Saturday and Sunday?—I think that raises the question of the distinction between the annual and the weekly close time.

508. I am speaking of the weekly close time?—That is not intended to increase the breed of salmon, but to ensure the proportionate distribution of the salmon between the upper and the lower proprietors. The annual close time is to increase the stock of breeding fish.

509. You do not mean to say that you think that there will not be more fish in a river if there is a longer close time; do you think that every one of the salmon that go up during the weekly close time is caught?—I only mean this, that the object which I understand you to contemplate could be better secured by a smaller increase to the annual close time.

510. At Question 251 you said that you would like to increase the close time in this way: "It could only be done in this way. You would open the river before the ascent of the fish; for instance, if in the lowest portion of the river the weekly close time was to begin at six o'clock on Saturday morning in the higher reach above, it would begin at noon on Saturday and go on until noon on Monday. Higher up again it would begin at six o'clock on Saturday evening, and go on until six o'clock on Monday evening, the object being to open the river as the fish are running up." Is it not well known that it does not depend so much on the time that the fish have got to run up as on certain atmospheric influences which are brought to bear?—Certainly; all I meant by that answer was that if those atmospheric influences, or the state of the water were favourable to the fish running up, then by that experiment which has been advocated by a great many people (from which I purposely said I did not anticipate such great results as some people) the fish would have a longer time to move up than they have now. That is all that my answer goes to.

511. Do they net at night in fresh waters in England?—They may do so by the law.

512. You would assimilate the English to the Irish law, as I understand you?—That was my proposal.

513. You were mentioning the size of the meshes.

meshes. I think in the present Irish Act, it is forbidden to use meshes of certain dimensions in waters frequented by salmon?—Yes, I believe those are the words.

514. Is it, in your opinion, advisable to allow the proprietors to fish for trout or grayling in waters that are frequented by salmon only very late in the season. I know of cases where the proprietors cannot catch grayling or trout in the waters above, because during part of the year, namely, the spawning time (for two months of the year), the salmon go into that lake or river, therefore the proprietors of those waters are entirely precluded from catching trout and grayling, which are there in great numbers; ought not the Commissioners, in your opinion, to have the power to allow those proprietors to net the char and trout?—You are aware that in England, practically, netting for char and trout is not prohibited at present. I have no objection to giving you my opinion on the Irish law, but I do not know that it is worth having.

515. But I wish to know whether in the case of proprietors owning lakes or rivers in which salmon only go at particular times, if they are now forbidden to net in fresh water it would not be advisable to let them fish for trout or char?—In proper seasons of the year I think there would be no harm, but in the back-end of the year there would be great harm in it.

516. Now, about the destructiveness of the bull trout, would it not be advisable and necessary to allow those bull trout in all the English rivers to be killed when on the redds?—I would kill them at any possible time; but there are great difficulties in sanctioning the killing of fish on the redds, because I do not see how you can restrict that to one kind of fish: a man who had killed a salmon, would say, "I thought it was a bull trout."

517. But a person might be paid by the conservators for the purpose of killing the vermin of the water, namely, bull trout, just as a gamekeeper would destroy land vermin?—There would be no difficulty in killing them in the proper place, in the same way as his Grace the Duke of Northumberland is doing now. That would be far more advisable than sanctioning their destruction on the spawning beds.

518. There being many rivers in the state which you describe, in Answer 317, in these words—"The draught nets are long enough to reach entirely across the channel; the moment they have shot one net they start another beyond it, so that before one net is turned they have another ready to take its place;" how would you prevent that?—I would prevent that by allowing the conservators to make a bye-law to say that one net should not be shot until the other that had been shot before had been drawn in. Suppose there were two nets fishing, one after another, I would not let the second net start from the shore until the first had been begun to be pulled in again.

519. Do you not think it would be more easy to manage if only one net was to be allowed to fish in a certain part of the river?—The only objection is, that all the fishermen have an equal right to fish on the spot, a right which was secured to them by Magna Charta.

520. In a case of that kind, where fishing is carried on to that extent, do you not think that each net should have a particular part of the river, say 120 yards, allotted to it, because I do not see how you can manage to arrange for shooting out the nets as you describe?—The remedy that has always occurred to me as applicable to the case is, that you should not allow the nets to be shot without having some moderate interval between them, so as to give the fish a chance.

521. There are many rivers besides the Avon where that is done, are there not?—The practice is peculiarly injurious in the Avon because the estuary is very narrow; but there are other rivers where the same mode of fishing is carried on.

522. In the Avon it is almost impossible for the fish to pass during the time of fishing with those nets, is it not?—I think so. In other rivers it is not so injurious.

523. Have the police and coastguards orders to assist the water-bailiffs to look after the fishery districts?—So far as the police are concerned, the practice varies immensely in different counties. In some counties the greatest possible assistance is afforded by the police, in fact the whole preservation is conducted by them with the best possible results; whereas in other counties the chief constables have said that they were unable to let the men take any part in looking after the fishery districts; the whole of the preservation is carried on by water-bailiffs, who are paid by the board.

524. *Chairman.*] Are you not aware that, in many cases, in the Tees for instance, the whole of the water-bailiffs are in fact police constables?—Yes.

525. They are appointed by the Boards of Conservators, and then they become police constables; they are paid out of the funds of the fishery, though they are really placed under the superintendence of the head constable, and armed with all the authority of ordinary police constables?—In Northumberland, where it is done admirably, it is done by the employment of additional constables. The Boards of Conservators pay the chief constable of the county a stated sum of money a year, which represents the wages of so many additional constables, and they are entitled to the services of those men, on the average, throughout the year.

526. But the men I speak of are provided by the board and paid by them, and they then become police constables, and, at the end of each quarter, an account is sent to them by the chief constable, and we pay it to the treasurer of the Riding?—The practice varies; of course, the constable must receive his warrant from the Fishery Board.

527. Our practice is to place the warrants in the hands of the chief constable, who issues them to the men?—Just so.

528. Mr. *Herbert.*] But do you not think the coastguard would be a material aid?—A very material aid.

529. Do you not think it would be a good suggestion that in any new Bill that should be added to their duties?—I have suggested that in my official reports.

530. Supposing a man not regularly paid by the conservators saw anything wrong, would he have authority (say that he saw poaching) to go and stop it?—He would not have the authority to go and stop it in some cases without a warrant from the conservators. I think your question is partly answered by the 30th section of the Salmon Act of 1865, which says, "the production with respect to a conservator of a certificate of

Mr. *S. Walpole.*

22 March 1870.

his being a conservator, under the common seal of the board of which he is a member, and with respect to a water-bailiff, the production of the instrument of his appointment, executed in the manner directed by this Act, shall be sufficient warrant for any conservator or water-bailiff exercising the authorities given by this Act." That is to say, with regard to calling for the license of a man who is fishing, and other points of that description.

531. Mr. *Pease.*] You propose that the board should have the power to make bye-laws, to be sanctioned by the Home Office, or the Court of Appeal, or whatever it may be, in London?—Yes.

532. You would go so far as to give that board power to make bye-laws for the close times, however wide apart those close times may be, or however near those close times may be, you would not limit their power?—I think it is wiser not to limit their power, though I have no objection to limit it within certain dates.

533. If the board passed a bye-law that the close time should be every other day, you would put that in their power?—Yes, I would give them that power, but I would create a central authority for the express purpose of checking the exercise of it.

534. You would place in their hands the power to make bye-laws with regard to the size of the mesh of nets as well, I suppose?—Yes.

535. And the rate of the license?—Yes, the rate to be paid for it.

536. And as to the use of nets and the place and time of using them, and the manner of using them, I suppose?—I think not with regard to the place of using them; I think I should restrict it to the mesh of the nets, and the length of the nets, and the mode of using them.

537. And the time of using them limited by the close time?—Yes, as far as the close time is concerned.

538. But if the board is to have the power to make those bye-laws, the power ought to be very carefully expressed, I suppose?—Certainly.

539. In your scheme you give certain powers to the riparian owners, to the owners of several fisheries, and to the license holders in public waters?—Yes, quite so.

540. The riparian owners are, generally speaking, a diminishing body of gentlemen, diminishing owing to the accumulation of the land in one hand, which is so rapidly going on in England; is that so?—Yes; but the aggregate amount of landed property which they represent is of course the same.

541. But you limit that again by a restricted system of cumulative voting, do you not?—Yes, I think it is right to limit cumulative voting.

542. And then the owners of the several fisheries are a permanent, or, at all events, not an increasing body?—The probability is that they would not be an increasing body.

543. But the license holders in public waters are a body that may increase indefinitely, are they not?—Yes; but at the same time I think it is extremely desirable to prevent that indefinite increase, because all experience proves that when they increase indefinitely they do so to the great destruction of the river, as has happened in the case of the Tyne.

544. But up to the present moment there is nothing to restrict the number of men holding public licenses, I believe?—Just so.

545. Therefore the whole power of your board might become vested in the license holders in public waters, might it not?—No, not by any possibility; the license holders in public waters cannot, under my scheme, elect more than one-third of the board. Each portion of my constituency, where I find the three portions existing in the same district, is to elect an equal number of the board.

546. The owners of the several fisheries and the license holders in public waters have two-thirds of the board?—That is quite true.

547. And it is to their interest, is it not, to catch as many fish as they can in the tidal waters, to the prejudice of those who are higher up?—It is to the interest of the license holders in public waters to catch as many fish as they can in tidal waters; but I think it is to the interest of the owners of several fisheries who have a permanent interest in the river, to be on good terms with the upper men.

548. Do you not think that that permanent interest is generally forgotten with the temporary interest staring them in the face?—No, I think not by the class of owners of "several" fisheries generally. The "several" fisheries are held as a rule by men in a very superior station of life, who are capable of forming a most just estimate of the proper way in which a fishery should be conducted.

549. You know the fishery at Galway, I suppose?—I know of it.

550. The fishing in the tidal water there, is all in one hand, is it not?—Yes.

551. There, practically, the whole of the fish are caught before they get into the upper waters at all?—The larger number of them must always be caught there.

552. Those are the men who would have, under your scheme, the power of regulating the close time at the mouth of the river which prevents the fish getting up at the breeding time?—Subject to the approval of a central authority.

553. Does not it rather strike you that the power is in the wrong place?—I think those are the men who have the chief interest in the river, and ought therefore to be chiefly concerned in the management of it.

554. It seems to me, that instead of the breeding ground men having a fair share in the representation, that the men in the tidal waters have in your scheme the entire power in the construction of the bye-laws; is not that so?—I think that you take a very different view to what I take with regard to the probable policy which would be pursued by the owners of "several" fisheries; I believe that the policy which would be pursued by the owners of "several" fisheries would be, as a rule, a wise one.

555. But we must always legislate for men doing the very worst, and the most improvident thing which they can possibly do, must we not?—Quite so; but if you are going to adopt any method of representation, you must legislate on the assumption that you are going to represent the real interests that you find, not the interests which you would like to find.

556. With regard to mill-dams, you do not wish for further powers in any way under any new Act, do you?—I wish for further powers on two points, namely, the restriction of the right of fishing within a certain distance of dams, and a compulsory power to purchase the whole of a dam, or a portion of it.

557. You

557. You ask for no further rights over those mill-dams beyond those two points?—I do not think that anyone is justified in asking for further power than that which I have already pointed out.

558. Mr. *Staveley Hill.*] Do you think that anything more is required with regard to the withdrawal of a pass already approved by the Home Office if it be discovered to be inefficient?—There is power now under the Act of Parliament for the conservators to alter a pass. Do you limit the question to the case of fishing mill-dams?

559. Yes?—In that case I presume that if the pass is inefficient the approval is mere waste paper, because the law specially says that not only shall the pass be of the form and dimensions approved by the Home Office, but shall have water continually flowing through it, so as to enable the fish to run up and down; therefore if the Home Office were to approve of a pass which did not answer that last condition, I presume that the approval is not worth the paper it is written upon. In the case of a river where a pass was approved which did not answer that condition, the owner, when I explained it to him, gave up his right of net fishing.

560. Mr. *Lowther.*] You have not put in your Report yet for this year?—No; I hope that it will be presented to Parliament in the course of the forthcoming week.

561. You say that it is necessary to have a restriction with regard to fishing within a certain distance of mill-dams; what are the restrictions now existing?—No person may fish within 50 yards of a mill dam now, unless a pass approved by the Home Office with water flowing through it has been attached to it. That is regulated by the 12th section of the Act of 1861: "No person shall catch, or attempt to catch, except by rod and line, any salmon in the head race or tail race of any mill, or within 50 yards below any dam, unless such mill or dam has attached thereto a fish-pass of such form and dimensions as may be approved by the Home Office, and such fish-pass has constantly running through it such a flow of water as will enable salmon to pass up and down it."

562. Do you know of cases where they can only fish within 50 yards of a mill-dam?—Do you mean because the owner of the mill has no property beyond that distance?

563. There may be rocks or steep banks, may there not?—It must be an accident of all river property that there may be places where men may not be able to fish.

564. A man may have an extent of river for five miles, and within the whole of that five miles there may be only one place where he can fish, and that place may be within 50 yards of a mill-dam?—That would be a very unfortunate position.

565. You do not know anybody, I suppose, who is in that unfortunate position?—No; I think there is one case where the owner has only a very small portion of land immediately below the dam, and where, if he was forbidden fishing there, practically it would forbid his fishing on his entire property.

566. Where is that?—I am referring to Donnington on the Trent.

567. Do you know of one on the Derwent?—No, I do not know that that is true of any weir on the Derwent.

568. I suppose you know the Derwent and its capabilities as a salmon river?—Yes.

569. I am told that it contains as large an area of water in proportion to its water shed as any river in England?—Excepting, perhaps, the Leven, probably a larger proportion.

570. Does it fall directly into the sea at Wirkington?—Yes.

571. Do you know the river Eden at Carlisle?—Yes.

572. There is a great deal of difference between the two rivers with regard to being early and late, is there not?—Quite so.

573. What was your reason for referring to that in your evidence?—I took those rivers because they afford a very striking proof of the necessity for varying the close time, so as to meet the circumstances of different rivers.

574. You stated that the water of one river was warmer than that of the other?—I believe I was right in stating that.

575. Here is a letter from Mr. Fletcher, the honourable Member for Cockermouth, in which he says, "Referring to our conversation this morning respecting the remarkable difference in time between the salmon fishery in the Eden and the Derwent, and the cause generally assigned for this difference, viz., the difference in temperature of the water of the two rivers, I may inform you that several years ago, Mr. W. N. Hodgson, of Newby Grange, on the banks of the Eden, had the temperature of that river observed very carefully every morning at nine o'clock for a period of one year; whilst I had simultaneous observations taken for the same period in the River Derwent, at Lord Lonsdale's Colliery at Clifton; the mean of the whole observations corresponded with each other within a very small fraction of a degree; I therefore draw the conclusion, that the difference of season as regards salmon is not due to difference of temperature of the water of the two rivers"?—I am very glad to be corrected on that point; my authority was a man who had poached both rivers, and who was subsequently employed as a water-bailiff on the Derwent. He said that the water of the Derwent was so cold, that it was impossible to wade it, when he could wade for hours in the Eden; I only mention that to show you that I had some authority for my statement.

576. Does the difference between the early and late rivers arise from the way in which each river falls into the sea?—That is very possible. I was not quoting the temperature to prove that that was the cause of the difference. I only quoted it to show that the Derwent was not more poached than the Eden, and that, therefore, it was not poaching that made the Derwent later. I think that the temperature does vary the season in certain cases.

577. I think you stated that the Eden did not suffer much from pollution?—I meant to limit that answer to the main river of the Eden.

578. Do you know it below Carlisle?—I know the Eden slightly below Carlisle; and I know that it is polluted there; but I was alluding to pollutions really fatal to the fish in the sense of killing them. There are considerable pollutions in Carlisle, but I never heard of their extensively killing the fish.

579. Do you know a little river that flows into the Eden, called the Crane, on which there is a paper mill?—No.

580. Do you think that paper mills are good things

Mr. *S Walpole.*

22 March 1870.

things for improving salmon?—I think they are most serious causes of pollution.

581. Now with regard to the close season on the Derwent, do you know if the Derwent has improved as a salmon producing river since the Act of 1861 was passed?—I think I was right in saying that the amount of salmon in it had enormously increased, but I believe I am also right in saying that the amount caught has not largely increased, in consequence of the present close season not being applicable to it.

582. How can you tell the number of salmon in it?—I was on the Derwent a year ago, during the breeding season, and from all the information which I could get from people who ought to know, I believe that all the streams were then full of breeding fish; I was told that there were more breeding fish there than there had been for years.

583. But there were less caught, were there not?—The fish do not run, if my view be right, until after the netting season is over, so that the great run of fish cannot be caught. Before the new law the netting season was much longer than it is now, and consequently there was more opportunity of catching those autumn fish.

584. They could net them up to October, I suppose?—Yes.

585. Then the Act of 1861 put the time back to the 31st of August?—Yes, to the 31st of August.

586. Do you think that it might be extended to the end of September?—It might be extended; but I will not pledge myself to any exact date.

587. If you held property on the Derwent, you would wish it extended I suppose?—Yes, certainly; and, as Inspector of Fisheries, I wish it extended.

588. In your opinion, are the fish entering late rivers, in prime condition, as articles of food, at the commencement of the close season; and if they are so, do not they remain so for a considerable time afterwards?—They are in good condition, but not in such good condition as the fish are at a very much earlier period in other rivers.

589. In your opinion, would the extension of the fishing time, for a month at the end of the present season, that is to say, until the end of September, interfere with the breeding of the salmon in these rivers, or do any injury to their propagation generally?—Certainly not; without pledging myself to the exact date, I may say that I am of opinion that an extension would not do any injury; on the contrary, I think it would do good.

590. Rod fishing for salmon is often open till the 1st of November, is it not?—Yes.

591. That is to say, two months after the time for netting or taking the fish with engines is over?—Yes.

592. But you can sell those fish, can you not?—No; there is an express stipulation in the Act of Parliament that they shall not be sold; but if the time was extended for the Derwent, I think the time of sale ought to be extended. It is the want of power to extend the period during which the fish may be sold that has always prevented us extending the period during which they may be caught. We have no power to authorise the fish to be sold, and, therefore, we have never exercised the power of varying the close time.

593. Would you desire to have that power?—I have always asked for it, both in my Reports and in my evidence before the Committee.

594. Do you know, or have you reason to believe, that the opinion of people residing near those late rivers is, that the fishing time in them with nets and engines ought to be extended?—The great majority of them are conclusively in favour of the extension; there was a very striking memorial presented to Parliament within the last fortnight, signed by 500 inhabitants in the immediate neighbourhood of the river to which it referred, and from which, as I am informed, only three persons who expressed their dissent. That petition was in favour of opening the Taw and Torridge during the months of September.

595. *Chairman.*] That petition was presented by Sir Stafford Northcote, was it not?—Yes, it was presented by Sir Stafford Northcote, who asked the Home Secretary a question upon it.

596. Mr. *Lowther.*] Do you know whether Mr. Buckland agrees with you in your opinion with regard to late rivers?—Yes, he has stated his views before this Committee.

597-8. Do you know at all the value of the Salmon Hall Fishery?—I should not like to pledge myself with regard to its value, but I know it is of very considerable value; I believe I am right in saying that the protection of the Derwent is almost entirely kept up by the tenant of Lord Lonsdale. His Lordship's covenants with the tenant for the protection of the river. I think the tenant told me a year ago that the catch of its fish had not materially increased; but he entertained the same view as I myself did, namely, that the fish in the river had greatly increased, but they did not come up until after the time when he was allowed to catch them.

599. Will you be kind enough to give the Committee some little account of how your time is employed as inspector; first of all, where are your duties defined?—The duties of the inspectors are defined in the Act of 1861.

600. Have you received any appointment?—I have never received any formal instructions from the Home Office, more than an official letter appointing me; but the clause under which the inspectors are appointed is the 31st clause of the Act of 1861, which says, "The general superintendence of the salmon fisheries throughout England shall be vested in the Home Office; and it shall be lawful for the Home Office to appoint two inspectors of fisheries for three years, to assign to them their duties, and to pay to them such salaries as may from time to time be determined by the Commissioners of Her Majesty's Treasury." Therefore, my colleague and I have always conceived that, under the Home Office, the general superintendence of the salmon fisheries of this country was vested in ourselves, and we have advised the Home Office on all matters that come under that Act of Parliament, and also the Act of 1865.

601. And the Commissioners were appointed chiefly for the settling of legal questions, I believe?—They were entirely appointed as a court of law, to try the legality of certain engines.

602. Do you perform the chief part of the correspondence?—With regard to the administration of the salmon fisheries, we do the whole of the correspondence.

603. The conservators write to you and your colleagues for information, do they?—Certainly; they do so constantly.

604. And not to the Commissioners?—I cannot

not answer for anything which they may write to the Commissioners; I presume they would not.

605. Do you keep any register of the amount of your correspondence?—Yes.

606. You do not number them, I suppose?—We have a numbered register of all the papers received in our office, and we have letter-books, but that register does not give a fair idea of the work which we do, because an immense quantity of our work is demi-official correspondence. I write five demi-official letters to one official letter. We are constantly in personal communication with gentlemen all over the country, who write to us in a semi-official way, and we could not in many cases incorporate our replies in official answers.

607. You make it your duty to visit the rivers, do you not?—We visit every river once in each year; that is our rule at least, and on the average we carry it out.

608. You attend the meetings of the Conservancy Boards, I suppose, when you are on those visits?—Yes, we constantly do that all over the country. Our habit is to write to the conservators to ask when it will be convenient for us to go down, and whether they have anything particular they would wish us to do, and whether they would like to meet us, or to depute somebody to meet us.

609. Are you ever called upon to settle disputes?—We have no legal power to settle disputes, but we are constanly asked to intervene to settle disputes.

610. You come in contact with millers, mill-owners, and owners of weirs?—Every week of our lives.

611. Do you find them very difficult to deal with?—No; on the whole, I think they are far from being difficult to deal with.

612. They are not obstinate and unreasonable?—No; speaking generally, I think they have been very reasonable indeed. Of course there are cases where we have had difficulties.

613. I think you have advocated the compulsory purchase of weirs?—Yes; I have always been in favour of that.

614. You have been in favour of the compulsory purchase of weirs on which to establish passes?—No; I advocate compulsory powers to purchase dams in those cases where it is undesirable to build a pass, either because it would be difficult to build a pass, or because it would be desirable to get rid of the weir altogether. The law now authorises a voluntary agreement to be made for the purchase and removal of dams; but I propose to give compulsory powers to purchase dams for the purpose of their removal.

615. I think I have understood from your colleague and yourself, that there is no one pass that is suitable for every river?—No, for this reason, that there is no one pattern on which all mill weirs are built.

616. But must not a great deal of money be wasted on these experimental passes?—I think, as a matter of fact, that we know certain things which the salmon can do. We apply these rules to a particular case that comes under our observation at the moment, and we ensure a greater or less amount of success. Of course, if we are obliged to work cheaply and inexpensively, as we often have to make a little money go a great way, we do not insure absolute success in every case, but we do succeed in materially helping the salmon.

617. Do you know the river Eamont?—Yes, at Penrith.

618. Do you know the pass there?—Yes; that was built long before either my colleague's, or my own appointment. That certainly is a failure.

619. Do you know what that pass cost?—I believe it cost a very large sum.

620. Have you heard that it cost 350 *l.*?—No, I am not aware that it did. There was no doubt a very general view, a few years ago, that a stereotyped pass, which was known as Mr. Forsyth's plan, was applicable to every weir. Passes were were formed on a great many weirs, which their designers seem to have thought were in accordance with Mr. Forsyth's plan, and there is no doubt they have failed very materially. I think with the limited experience that people possessed at that time, nobody is to blame for that failure, but unfortunately a great many passes have been built on that plan which are great failures.

621. And perhaps a great many more will be built, which will be great failures?—I should be sorry to say that it will not be so, because it would be presumption on my part, but I do not think there will be so many built which will prove failures as there used to be.

622. Have Boards of Conservators recommended these compulsory powers?—Some Boards of Conservators have recommended them.

623. Has that been the case in many places?—Not in many cases.

624. Is that a thing that is generally talked about at Boards of Conservators?—No; but I have heard it recommended in various parts of the country as a thing that ought to be given. I do not think that it is a power that would be extensively used, but I think that it should be given, and that it should be used in certain cases.

625. *Chairman.*] I suppose there are only some rivers where such powers are required?—I think there are very few cases; still I think that that power should be given if there was only one case, for it is a fair power.

626. Mr. *Lowther.*] At Question 2487 of the evidence of last year before this Committee, Mr. Buckland was asked, "What do you think might be the cost of purchasing a mill or dam of that kind?—(A.) I cannot say; I expect that Mr. Surtees would want a lot of money for his.—(Q.) Do you think that 1,000 *l.* would buy it?—(A.) No." I think you have recommended that the conservators should mortgage their license duty, have you not?—I suggested that as being one way by which funds might be raised under the present law.

627. But if the license duties fell off, what would you do then?—I should have no license duties to mortgage in that case, but I do not contemplate that if a river is properly administered the license duties will fall off; I think they ought to increase; I cannot of course hope to mortgage the license duties up to their full amount, but if I had license duties to the amount of 500 *l.* a year, I could borrow on, say, half of that sum.

628. You would perhaps have to increase your license duties?—I think I stated in answer to a question a little time ago, that it is impossible to increase the license duties above a certain point, because the moment you increase the rate of those duties, fewer people take them out; that I can prove conclusively by figures.

Mr. *S. Walpole.*

22 March 1870.

629. Do you know what effect the mortgaging of revenue has had upon railways?—I know that immense calamities have arisen in some cases because the powers of borrowing were exercised to a very prejudicial extent. I should be very sorry to recommend any excessive resort to borrowing powers; but to a legitimate extent, I think it desirable.

630. You do not think it would be advisable to let the public saddle the riparian owners or the license holders with a weight of 2,000 *l.* or 1,500 *l.*?—I think it entirely depends on the amount of revenue which the board is in the enjoyment of. The Tyne Board could afford to saddle themselves with an amount which another board could not afford, they having a revenue of 1,500 *l.* or 1,000 *l.*: on other rivers, where the revenue is of smaller amount, borrowing could not be carried on to the same extent.

631. Then do you think that the compulsory clauses ought to be guarded by some proviso that such powers should be only exercised when it was shown that no other plan would answer?—I think that the compulsory powers would be so seldom resorted to, that no such proviso is necessary. The remedy is so expensive that nobody would try it until they had tried other plans. Nobody would propose to spend 1,000 *l.* when the same object could be secured for 100 *l.*

632. Now, with regard to the power of the water-bailiffs; I understood you to propose at a former sitting of the Committee, that they should have a very great extension of power in order that they might even look into the pockets of anybody whom they found by the side of the water?—I proposed that they should have the power to search the pockets of persons in certain cases.

633. Is not that a very dangerous power to give a water-bailiff?—I think that the Act contemplated placing the water-bailiff in the same position in which a constable is now. If a constable is not capable of carrying out his duty without searching the person, it is fair to extend that power to a water-bailiff.

634. Do you believe that a constable has the right to stop any man on the road and to search his pockets?—No; but in certain cases a constable has the power to arrest a man and search his pockets.

635. What cases are you alluding to?—I think that if a constable saw a man committing a larceny, he would be justified in doing so. Night poaching is another case in point. Under the Larceny Act, in the case of a private fishery, very much more extensive powers are given now. The owner of a fishery, or any person authorised by him, may arrest a man, and he has the power of searching him.

636. *Chairman.*] It is proposed to extend the existing powers so far as to permit the searching of the pockets of a man who is engaged in fishing?—Certainly; I wish to provide against a case where a man has caught a smolt and put it into his pocket, but I do not object to any restriction which may prevent the provision being abused.

637. Mr. *Lowther.*] But might it not be continually abused; any man standing on the side of the river might meet a water-bailiff, who might say, "I must search your pockets?"—No; I should propose that they should only have the power to search the pockets of persons actually engaged in fishing; and if you like to add that there must be reasonable cause to suspect that the person is concealing something in his pocket, I should be quite willing to consent to any such addition.

638. What is the state of the law at present with regard to nets being put down at night?—There is no restriction whatever with respect to net fishing at night.

639. They can be laid down at night, can they?—I understood you to ask whether there is any law against net fishing at night.

640. Against leaving them down, I mean?—You cannot leave them down; there is a law against fixing nets at any time, night or day.

641. *Chairman.*] I think the Act of 1861 put an end to fixed nets?—Yes; they are illegal at any time. There is no difference whatever in regard to the time.

642. Mr. *Lowther.*] At Question 400, page 24, of your evidence, you were asked, "As to the power to water-bailiffs to traverse banks of rivers, do you think that that power should be extended?" and you replied, "I think it should be extended, but I am not in favour of giving an absolute power. A justice of the peace has the power to authorise the water-bailiff to enter upon land where there is reason to suppose that illegal practices exist, but that only lasts for 24 hours. I propose to extend that power to one month. (Q.) It is practically useless at present, is it not? (A.) It is absolutely useless at present?"—Quite so.

643. What do you found that assertion upon?—On my experience and information which I have received from Boards of Conservators, that the 24 hours is not sufficient time in order to enable them to obtain a warrant to prevent the offence being committed; the warrant almost expires before they have the power to enforce it.

644. Now with regard to the head and tail races; I think you stated that you thought gratings ought to be put down at each end?—Yes; I stated that I agreed with the evidence which my colleague gave at the beginning of the sitting of this Committee.

645. Did you mean to convey to the Committee that those gratings should always be kept down?—No; my colleague did not mean that, and certainly the Bill of last Session did not contemplate it; I meant only in the case of the head race while the fry and grilse are passing down to the sea, and in the case of the tail race when the fish are moving up the river.

646. You think that that provision ought to be in the Act?—Certainly; but I think further, that the expense should be left to the conservators; I do not seek to force that expense on the mill-owners.

647. But you think that it is absolutely necessary to the preservation of the fish?—I think it is very necessary.

648. Do you know the dam at Armathwaite?—Yes.

649. There has been a ladder constructed there, has there not?—I think not. I have never seen one there.

650. Can the fish go up?—They can go up at certain states of the water; when I was there, I saw a fish trying to go up, and he failed, but if there is a fresh the fish do go up.

651. Have you not heard from the people there that they do go up?—I have heard two accounts: I have heard from a gentleman living immediately below, that they go up at all times, and

and I have heard from a proprietor, who is immediately above Armathwaite, that they hardly go up at any time.

652. Which do you believe?—I think that both statements are exaggerated. I believe that they go up in moderate freshes, but cannot go up without a moderate fresh.

653. Let me refer you to Question 155, with respect to the matter of rating; you say there, "My view is to take the frontage as a rough basis of calculation"; do you think that that is fair?—I think, upon the whole, that is the simplest course that can be adopted.

654. The fishing in the tideway varies?—Yes; but if you will kindly read the answer I gave a little further down, you will find that I propose that the frontage in the tideway should pay a higher proportion than the frontage in fresh waters. Suppose the lower part of the river frontage was charged a penny a yard, higher up it might be a halfpenny, and higher up again, a farthing a yard. But I only apply that to the case of particular rivers where the tidal fisheries are the property of individual proprietors; I think I carefully guarded myself on that point.

655. *Colonel Edwardes.*] When you gave the Committee the information about the fishing in the Teify, was that the fishing carried on by fishermen at the mouth of the river or higher up?—I meant from Kenarth down towards the sea, but not immediately in the lowest parts of the river.

656. Then in that space is the principal part of the fish killed constituting the livelihood of the fishermen?—I do not think that it is their sole source of livelihood.

657. You estimate that the whole of the public fisheries on the Teify are worth about 3,000 *l.* a year?—Yes.

658. Going above Kenarth, what is the value of it?—I do not think above Kenarth it is worth 30 *l.* The estimate is not mine. It was made by my predecessors some years ago, and I believe it was about right.

659. Taking that estimate, and supposing the fish there sell at something like 1 *s.* and 1 *s.* 6*d.* a lb. (1 *s.* is, I think, a very fair price), the fishermen must catch 60,000 lbs. weight of fish to make up that sum; do you think that amount of fish is killed by the fishermen in the Teify?—I think my predecessors stated that the estimate was given on the authority of the salesman through whom all the fish were sent away, and that as all the fish passed through his hands, he was competent to form an estimate of their value.

660. But you do not consider that the salesman's opinion is infallible, do you?—No; I only quote it as the authority of a man who had good opportunities of knowing. I will give you my own rough estimate, if you please. There are 190 net fishermen on the Teify, who pay 168 *l.* a year in license duties. I do not think that I can put it, that those men would earn less than 15 *l.* a-piece, which would be 2,850 *l.*, without payment for the licenses, which comes very nearly to the estimate of my predecessors.

661. Am I correct in saying that the open season for the net fishing is from the 1st February to the end of August?—Yes.

662. Of course, from that you must deduct Saturdays and Sundays?—Yes.

663. And the different times when they cannot fish in consequence of the tide?—Yes, no doubt.

664. In fact, two-and-a-half or three days a week would be the outside of the time in which you could fish?—No; it would be every day in the week in the immediate estuary.

665. Taking it every day in the week, they must kill, at that rate, 375 lbs. of fish a day, in order to agree with your figures?—I do not think that the river could support that number of fishermen, unless they did kill at that rate per day. Two years ago, the number of fishermen on the Teify was 320, and they were last year reduced to 190, in consequence of the conservators having quadrupled the license duty, so that, really, the fishing must have been sufficient to support 320 men, and not only 190 men.

666. Then, in consequence of this enormous amount of fish being killed low down in the river, you cannot wonder at there being no fish up the river, can you?—I think that the result arises partly from that reason and partly from the close season.

667. Mr. *Evan Richards.*] I believe it is the fact that the fishermen and the conservators of the Teify do not agree very well about the fishing licenses?—No; there has been a considerable difference of opinion in that respect on that river; but I hope, from what I heard last year, that things are working a little better.

668. You have been called in to advise them, have you not?—Yes; almost my first duty as an inspector of salmon fisheries, was attending a meeting in Cardiganshire, and trying to arrange terms between the conservators and the fishermen of the Teify.

669. I believe that an application was made to reduce the net licenses?—Yes; that was made nearly three years ago.

670. Did you report against the reduction?—In consequence of a meeting which I attended in Cardiganshire three years ago, the duty was materially reduced; much more so than I thought desirable.

671. Has it been increased subsequently?—Yes; it was increased last year.

672. And the increase has been continued this year, has it not?—Yes, it has been continued this year.

673. Was your opinion with regard to the value of the licenses, based upon the assumption that the total catch of salmon was worth 3,000 *l.* a year?—No; I do not think that I took that into consideration in advising the Home Office on that particular point; my opinion on that point was based on the circumstance, that I believed the Teify to be materially overfished, and I thought it desirable in the interests of the public fishermen to restrain the fishing in some way, the only possible way of restraining it was; by increasing the amount of the license duty. I wished to decrease the number of net fishermen in order to increase the amount of each particular fisherman's profits.

674. The present license, then, has an artificial and not a real value to the fisherman?—I think it has clearly a real value, because it is optional on them whether they take out a license or not, and as a matter of fact, they do take out licenses. I contend, therefore, that as 190 men do think it worth while to take out licenses, those 190 men must assume that the license to fish is of substantial value.

675. I understood you to say, in your scheme of a new Conservancy Board, that you would leave it to that board absolutely (subject to the

Mr. *S. Walpole.*

22 March 1870.

permission of the Home Office) to fix the yearly close time and the weekly close time?—No; I think I said that I would define by Act of Parliament what the annual close time and the weekly close time should be; but that I would permit the board, with the approval of the central authority, to vary that time; I purposely desire to avoid giving them the power to fix it *ab initio*.

676. It is not your opinion, as I gather from your evidence, that the close time for every river should be defined by the conservators?—I believe that I have already stated that the time should be defined by Act of Parliament, and that the burthen of proving the necessity for a change should be thrown on the conservators.

677. Do you think it would be a mode of dealing satisfactorily with a river that the Board of Conservators should meet, and with the assistance of an inspector, or whatever name may be given to the official, and on the spot settle all the bye-laws that are necessary for the due government of the river?—I think it is better to have a general law authorising the conservators to meet and make those bye-laws subject to the approval of a central authority; I should have a definite law for throwing the burthen of proving the necessity for a variation on the local authority.

678. But it would be a Statute and not a bye-law, would it not?—It would be a statutory enactment authorising a bye-law.

679. But do you not think that each river would be better governed with regard to the bye-laws by the conservators meeting, and having the advantage on the spot of the assistance of a Commissioner or inspector to advise them upon any matter that may arise upon an open inquiry?—No doubt it might be desirable in some cases that an inspector should be present at the meeting of the conservators. But I think that, on the whole, as the inspector has a revising authority, it is not desirable as a general rule, that he should be present. It would almost pledge him to adopt a proposal which he might afterwards have to revise.

680. You do not think that some such plan as is adopted under the Local Government Act, for the inspectors to attend an open inquiry, giving the fishermen an opportunity of being heard, would be advantageous?—I think, certainly, that after a bye-law has been proposed by the conservators, before it is sanctioned there should always be a local inquiry held by the inspector; but I think it is better to have that inquiry after the bye-law has been proposed, because then other persons who are interested, but who are not members of the board, could attend and state to the inspector their objections. Whereas, if the inspector were to attend the meeting where the bye-law was framed, he would only hear the views of the conservators. I want him to hear the views of everyone.

681. Do you not think that, from the general experience which an inspector obtains in the exercise of his office, he might lead the Boards of Conservators to frame bye-laws more satisfactorily than is now done?—I presume that your question applies solely to such matters as the close time.

682. No, I refer to the general regulation of the salmon rivers?—But the present law only gives conservators a discretion in matters of the close time; I think that in certain cases it might be desirable that the inspector should be present, and that in other cases it would not be necessary for him to be present; no general rule is possible. Wherever Boards of Conservators expressed a desire that we should be present, either my colleague or I would be there, but we should be very sorry to force ourselves upon a meeting particularly as we should have the power to advise the Home Office on any matter which we considered ought to be brought under their notice.

683. I am assuming that greater powers may be given by future Acts of Parliament than those which the inspector now enjoys?—Yes, no doubt.

684. Do you not think that Boards of Conservators may do much in regulating dams and obstructions by local inquiry, such as I have indicated?—I do not see how they could in the matter of regulating dams.

685. Could they not do so by a local inquiry?—The only way of regulating dams, that I know of, is to build passes, and by having certain regulations with regard to gratings; I propose to throw that duty upon Boards of Conservators simply.

686. You, also, as I understand you, propose that an additional power should be given to Boards of Conservators for compulsorily purchasing dams in some cases?—Quite so. But that, I imagine, is merely a matter of calculation, which Boards of Conservators would be competent to make, whether for the interest of the fishery it would be desirable to spend a very large sum of money to remove particular obstructions. I do not see how they could be assisted by an inspector in their deliberations.

687. But would it not be a question of policy whether an expenditure of 100 *l.* on a dam should be undertaken by the conservators or not?—I think under the Lands Clauses Consolidation Act that expenditure could not be undertaken without the approval of the central authority.

688. But if I understand you rightly, you do not think that a local inquiry upon the subject would be of very great importance?—You must leave each case of that kind, I think, to the discretion of a public officer, whose duty it is to advise the Home Office to ascertain whether in each case a local inquiry is useful or not. I have no objection to undertake it personally; on the contrary, my colleague and I always make it our duty to examine everything locally, as far as possible, but I think it unnecessary to incorporate any such provision in the Act of Parliament.

689. Then you disagree with the evidence of a previous witness before this Committee last year, which you will find at Question 1183, page 64, where it is said that you must see the spot, and settle the fish-way according to circumstances of the weir?—That question refers to the construction of a pass. My colleague and I would never presume to give an opinion as to the kind of pass which should be adopted until we had carefully inspected the spot, perhaps, more than once. I thought your question had reference to the removal of the dam altogether, where no local inspection can possibly help you.

690. Not with regard to the amount of money that would be required?—That would depend on the rental of the dam, which could not be ascertained by local inspection, and could be ascertained without it.

691. Mr. *Hambro.*] Referring to the early part of your evidence, I wish to draw your attention

tion to question number 18, on page 3; you were asked, "Can you give the Committee roughly the proportions of the rivers of England, not in fishing districts, as compared with those which are in fishing districts?" and you replied, "I can give it in very few words; the rivers not in fishery districts support 480 net fishermen, on not quite a sixth of the rivers in districts; and applying exactly the same calculation as was applied in the other case, I must assume that their profits amount to 10,000 *l.* a year. I assume that the net fisheries of England are worth certainly 70,000 *l.*; and that is putting it low. In fact, my point is, that since the Salmon Fisheries Act of 1861 was passed, on the lowest estimate the value of the net fisheries has more than doubled." Do you think if the law with regard to the net fishing remains in its present state the engines for catching the fish would so increase with the increased production of fish that the advantage obtained by the present Act would soon disappear?—I think that that is the gist of a great portion of my evidence; that is to say, wherever the production has reached a certain point, the law of fishing is so very lax and there is so much overfishing that a decline must commence.

692. Would you recommend a change in the law which would give the power to Boards of Conservators or any other body, to regulate in some way the amount of fish which should be caught in a river?—Yes.

693. So as to secure a sufficient amount of breeding stock, and to be enabled to keep up the supply of the river to a certain average standard?—Yes; I would give Boards of Conservators the power of making bye-laws adapted to the circumstances of the river, with regard to the length of the mesh and the mode of using the nets.

694. Now, referring to your Evidence at p. 8, Question 46, you say, "On the south coast there is a large patch which represents all the Hampshire and Wiltshire rivers, which are extensively blocked by weirs," and so on; did you mean purposely to exclude the Dorsetshire rivers, the Frome and Stour?—No; I meant to include the Dorsetshire and some of the Devonshire rivers, too. The yellow in the map does include the whole of Dorsetshire.

695. Again, let me refer you to your Evidence at Question 85, p. 13; in any new Salmon Fishery Act would you recommend legislation that would apply to the peculiar obstructions which are in existence on the Avon and Stour by which you say that the owners tempt the fish up to the weir and then practically detain them?—Yes; the recommendation which I have made is that a free gap should be provided which would exactly meet the cases of the Avon and Stour. I may inform the Committee that last year at my suggestion, the owner of the lowest weir on the Avon was so good as to leave a free gap in the early months of the fishing season, and the very best results followed.

696. The result was, I suppose, that a larger proportion of fish than usual went up the river, but that immediately upon that the upper proprietors fished much more than they used to do?—Yes, because of the absence of any general enactment which would have made it the duty of the upper proprietors to afford the same condition of a free gap.

697. The complaint on that river is, that the advantage of having a gap is entirely nullified by some of the upper proprietors using their nets more than they used to do, is it not?—That may very possibly be so. I do not think that the advantages are entirely confined to one proprietor.

698. Do you think that the power which you propose to give to Boards of Conservators to make bye-laws, would meet such a case as that of the use of nets, in Hampshire, on the river Avon, where one net is fished after another, so as practically to make a block?—Yes; if the power were to extend to the mode of using the nets, that would meet the case so far as I can see my way to meeting it.

699. Would you recommend that the sea fishing, within the fishery districts, should be put under the care of the Boards of Conservators?—Yes, to a certain point, I think I have included that in my recommendations

700. Earl *Percy.*] You say that you would prohibit the possession of trout during those months in which their capture is illegal; you mean, I suppose, as long as the close time for salmon is uniform?—Yes; of course if the close time was varied, as I propose, then you must have a clause, such as there is now in the Act of Parliament, throwing the burden on the possessor to prove that the fish were not caught in a particular river where it was illegal to catch them. There is a clause of that kind now in the English Act. I believe it is the 19th section of the Act of 1861: "This section shall not apply to any person buying, selling, or exposing for sale, or having in his possession for sale, salmon cured, pickled, or dried, or any fresh salmon caught beyond the limits of this Act; nevertheless the burden of proving any fresh salmon that is sold, or exposed, or in the possession of any person for sale, between the said third day of September and the second day of February, to have been caught beyond the limits of this Act, shall lie on the person selling or exposing the same for sale, or having the same in his possession for sale." *Mutatis mutandis,* I think that would meet your objection.

701. You would have the same law applicable to the salmon in the rivers in which the close time was varied?—Yes.

702. At Question 31 you say, "I think that that improvement was entirely due to very favourable weather, and not to the consequences of the Act of 1861; I do not think it possible that the effects of the Act of 1861 could have been visible until 1864 or 1865, because the fish bred in 1861; the young fish, in fact, that were hatched in the spring of 1862, could not have been caught as salmon until 1864 or 1865, on the most favourable hypothesis"?—Yes, that is the very shortest period that I could have named.

703. That would almost lead to the conclusion that you thought the Committee had been appointed before the effect of the last Act of Parliament had been felt?—I wished to lead the Committee to that conclusion. I think it is quite impossible that the Act of 1865 could possibly have been tested until July or August of last year. It might possibly have been tested then in the case of grilse, but I very much doubt whether it could have been really tested until this year.

704. In cases like that of the Tyne, you would impose a rate on the owner of the tidal fisheries, as well as the owners of the fisheries in the upper parts of the river, would you not?—I would.

Mr. *S. Walpole.*

22 March 1870.

705. Are you aware that his Grace the Duke of Northumberland has always been an advocate of that course of proceeding?—I know that he has with regard to the Northumberland rivers. I believe the rate is entirely dependent on his Grace's advocacy. That he is so far the largest contributor, that if he withdrew his support of it it would practically fall through.

706. There were one or two remarks in your evidence at the last sitting of the Committee about the right of common fishing; let me refer you to Question 169; you were asked, "You would extinguish the common right of fish in a common fishery"? and you replied, "Yes, in the same way as is done by the Board of Trade in oyster fisheries." (*Q.*) "You think it desirable that the law should be amended in that respect, do you? (*A.*) Yes, I think it extremely desirable"?—I would do so in those cases where the rights are merely nominal, and where I did not see my way to obtaining a fund for the restoration of the property unless I could exclude the right of the public.

707. But in what sense do you mean that the right is nominal; when at Question 171 you speak of the right as valueless, do you mean that the value is not appreciable or that it is not rateable?—I meant that it was so valueless that the right was not exercised. For instance, to give a very patent example, the Thames was once a very valuable salmon river. In a case of that kind it would be fair to exclude the right of the public fishermen to catch salmon if any great company were formed who would undertake the work of restoring the salmon to the Thames. The principle is similar to that which has been adopted in the case of oyster fisheries. In that case the public have been excluded from large rights to which they were entitled. There are, for instance, nine miles on the coast of Kent where the right of dredging has been taken away and vested in a company.

708. As the law now stands the fish cannot be sold during the close time, can they?—The burden of proving that they were not caught in England is thrown on the seller.

709. But supposing they are salted, what then?—They can be sold if they are salted or kippered.

710. That would mitigate the hardship on a river in which the close time is varied now, would it not?—Yes; but it has always been my opinion—and my colleague and I are responsible for the policy of the Home Office in that respect—that it was not right to vary the close time and allow those men to salt the fish for sale when the Act clearly did not admit of their possessing them for sale in a fresh state; he thought that Parliament ought to have an opportunity of expressing an opinion on that point before we exercise the power we possess.

711. Mr. *Assheton.*] Allow me to refer you to your answer at Question 119; you speak there of the fishery on the River Ribble, and you say that the river has a very good pass?—It ought to be an efficient pass on the Ribble.

712. What pass is it that you allude to?—The Clitheroe pass; I believe it to be a very good pass; it was altered last year.

713. Are the alterations completed?—Yes; my colleague has seen the pass since its completion, and he thinks very favourably of it. We both went up to the Clitheroe pass, in order to decide the exact details of the pass; my colleague has been up to see it since, and I believe it is now carried out exactly in the way we desired.

714. You are not aware, I presume, that when your colleague went there, the masonry of the pass had not been altered according to the plan?—The alterations that we suggested were almost entirely to be made of timber, and those alterations, I am informed by my colleague, have been carried out. But I shall probably be on the Ribble in a few days, and I will make it my duty to examine the pass, if the Committee desire it.

715. I wish to call your attention to Question and Answer 233, and to ask you how you account for the progressive decline of the fisheries; you say in answer to a question which was put to you by the Chairman, "The Conway close season, before the new law, began very late, it began on the 30th of November. The river at that time was protected by a local association, and was in a very flourishing condition; the new law altered the close season to the 1st of September, and the river has experienced a progressive decline ever since, which I attribute to the alteration of the close season"?—Perhaps I ought to have amplified that answer; what I meant was this, that in consequence of the alteration of the close season in the year 1861, the Conway fish did not run up the river in time to allow any fair proportion of sport to the proprietors on the Conway; the consequence was, that the interest which they took in the river began to decline, and consequently on that decline the funds of the association began to dwindle. The result of the funds of the association falling off was that the amount of protection bestowed on the river was diminished also, and consequently the fishing in the Conway declined. I might add perhaps another reason, which is, however, more doubtful, that is to say, that in consequence of the Act of 1861, the bull trout which are called sewin in the Conway, increased very much; they have since 1861 enjoyed a preservation which they had never enjoyed before, and they have diminished the number of salmon. Formerly every man's hand was against them.

716. With reference to Question 291, it is probably by some mistake that you are made to refer there to two kinds of migratory salmonidæ which are technically called morts or sprods?—There appears to be a misprint or clerical error in that case; the answer should read, "The Ribble (as the honourable Member must be aware) has two kinds of migratory salmonidæ salmon, and what are technically called morts and sprods."

717. That leads me to this question: I believe we may assume that when the young mort goes down to the sea, he is, speaking roughly, about the same size as a young salmon; that is to say when he goes down to the sea for the first time?—Just so; you mean mort-smolts.

718. What size is he when he first comes up?—That opens the very difficult question, whether those sprods are the grilse of the morts. That is a point on which there is very great doubt. My colleague and I are quite satisfied that morts are bull trout, but we are not satisfied that sprods are the same species. If the sprod is the grilse of the mort, of course the Committee will understand that my answer is, that when he first comes up he comes up a sprod, very small; but if he comes up originally as a small mort, he comes as a slightly larger fish, though still a very small fish.

719. Assuming

719. Assuming that they are two different species of fish, how many visits to the sea should you say that a mort must make before he is catchable in a two-inch mesh?—That depends on a great many circumstances. I have seen salmon, marked fish, that have been for five years down to the sea without making any growth at all. The fish in some favourable years may grow very rapidly, while in other years they may grow very slowly; but in the first two years the majority would not be able to be caught.

720. He would make two trips into the sea and back again without being caught, you think?—I think I may say so. I may add, that I think the mort ought to be killed because he is a bull-trout. I think that exceptional measures ought to be taken to kill him.

721. Now, with regard to the use of haaf-nets for salmon fishing, what rivers are there in which the haaf-nets are used?—I remember, at this moment, the Eden, the Lune, and the Ribble especially. The same kind of net is used in rather a different way in different parts of the Severn.

722. You have described to the Committee how those nets were put close together in fishing, so as practically to block the river?—Yes, at certain times of the tide.

723. Is that when the tide is rising or falling, or at both times?—It can be done at both times. I think it is more usually done when the tide is falling. Probably it would begin when the tide is falling, and go on to the rising of the tide.

724. For how many hours of the tide do the fishermen use those kinds of nets?—They would fish much longer during a neap tide than a spring tide; but I think it is for two or three hours. I have made it my duty to go down and examine those nets when fishing was going on, and I have stayed for a considerable time, but I cannot say that I stayed the whole of the time. I think I am not exaggerating when I say that they fish for three hours.

725. You are aware, doubtless, that the draught-net people complain that the haaf-net people catch a large quantity of fish which ought to come up to them?—No doubt. Perhaps the Committee are aware that the draught-nets have rather increased in number this year, and that the haaf-nets have rather diminished. I may say that that was the effect of our increasing the duty on the haaf nets, in consequence of an application from the Boards of Conservators of the River Ribble, who brought before us the vast amount of mischief which they were doing.

726. I suppose you also know the theory that Boards of Conservators have, that they would rather the haaf-net people caught the fish than the draught-net people, because they get more money out of them?—Yes, I know that; but I do not agree with that theory.

727. Now I wish to ask you whether, considering all those circumstances, you think it is desirable that there should be any special enactment with regard to the haaf-nets; whether you would leave them to be dealt with as they are now, or whether you would deal with them in bye-laws?—I would deal with them by bye-laws, as I would with every other engine.

728. You think, as I understand you, that there is no occasion for any special clause with respect to the use of the haaf-nets?—No; I instanced them rather in order to show the necessity for bye-laws.

729. Permit me to call your attention to Question 314, at page 19 of your Evidence before this Committee; you were asked, "On the Teify, is there another kind of net used in a similar manner?" and you replied, "There is a very serious obstruction there; there is a very long draught-net; they have a habit there of taking a very long draught-net, starting it from the south end of the estuary, and taking it right across to the north side of the river, and there they leave it for some hours, perhaps; when they have got all the fish congregated immediately below it, they draw it round and sweep it all in; therefore the whole river again is blocked"; does not that amount to a fixed engine, and does it not, in your opinion, become illegal?—I think it is a very grave question whether it is not a fixed engine; but it can be fixed in that position by holding it in the hand. When the conservators send down a water bailiff the fishermen take good care to hold it in their hands; but when the water bailiff is not there, I have no doubt they use it as a fixed engine.

730. Will you kindly look at Question 332; you there say that you think there ought to be the power to dissolve a fishery district?—Yes.

731. Now, I have been looking at section 20, of the Act of 1865, and it appears to me that the first three lines of that section do constitute the power to dissolve a fishery district, for the section says, "A fishery district may from time to time be altered by including therein or excluding therefrom any salmon river or part of a salmon river?"—My answer is that I took counsel's opinion on that matter, and counsel tells me that the words you have quoted do not constitute that power. I would not venture to give my own opinion on the subject. The case arose in this way: two districts wished to be united; we found that it was impossible to unite them under the law as it stands. I suggested that we should dissolve one fishery district, and then add the area of the one that had been dissolved to the other. The Parliamentary counsel at the Home Office informed me that there was no power to dissolve a district.

732. Mr. *Liddell.*] Supposing Parliament to consent to give Boards of Conservators the power to purchase weirs, and that the funds at their disposal are insufficient for the purpose, and it becomes necessary to raise a rate for that purpose, is it your opinion that that rate should be evenly distributed over all persons having an interest in that river as a salmon river?—I think that the rate should be distributed proportionately rather than evenly.

733. But how would you settle that proportion?—I think that could be done by making the more valuable portions of the river, in a fishing sense, pay a higher proportion.

734. Then the lower portions of the river would pay the rest?—The lower portions of the river would pay the most.

735. Have you ever devised a scale by which the rate should be apportioned?—I have never personally devised a scale by which the rate should be apportioned; but I have no reason to object to the scale which has been adopted in a particular case, where the rates are a penny in the lowest portion, a halfpenny above that, and a farthing above that, the points where the division is made being decided by a local inquiry.

736. To what purposes have the rates been applied; to the general preservation of the river?

Mr *S Walpole.*

22 March 1870.

river?—Yes; to the general preservation of the river. The rates have only been levied by a voluntary agreement between the proprietors of the river.

737. Do you know, of your own knowledge, whether there has been a difficulty in getting those rates in, or have they been pretty punctually paid?—On the whole, they have been pretty punctually paid; but there are cases of proprietors who have declined to pay them.

738. I presume you agree with your colleague, that the present effect of a uniform weekly close time in any length of tideway is simply to drive the column of fish into one set of nets, to the prejudice of another set of nets?—Yes, in all rivers with a long reach of nets, that is quite true.

739. Have you ever considered, either jointly with your colleague or by yourself, whether a remedy might not be found for that, in having a double number of hours once a fortnight, instead of half the number of hours once a week?—No, that is a new suggestion to me; the difficulty is, that you must remember you have got the Sunday in each case. The great bulk of the close time is Sunday, and it is manifestly desirable that the Sunday should be part of the close time.

740. You might equally bring the Sunday in once a fortnight; but have you ever considered whether it would be advisable to double the length of the close time fortnightly, instead of having it half the amount weekly?—If you mean instead of having 48 hours weekly, to have 96 hours fortnightly, I do not think you could have it, because you must have 24 hours each week with the Sabbath, so that you could only get 24 hours one week, and 72 the next; I must admit that it is a novel proposal. But another objection occurs to me, the fish will not run because it happens to be the weekly close time; but because there happens to be a fresh coming down the river, and by having it every week, we get a double chance of a fresh, which we should not have by restricting it to once a fortnight.

741. I should like to ask you respecting an answer of yours, which, from a naturalist's point of view, is an erroneous statement; you say, in answer to Question 241, that "salmon and bull trout are not supposed to exist together;" do you adhere to that statement?—What I mean is, that where salmon and bull trout exist together in large numbers, a struggle for existence commences, which must lead to the partial destruction of one or the other of the fish; you will see that my answer goes on to say, that in the Coquet, the bull trout have practically exterminated the salmon.

742. Of course you could not wish the Committee to understand that they are not generally found together?—No, not at all; I meant to say that where you get them together, the two fish struggle against each other for the upper hand, and unfortunately the salmon usually go to the wall.

743. When you say that the bull trout have practically exterminated the salmon in the Coquet, have you any proof of that, or have you found anybody prepared to give you proof, that salmon ever existed in the Coquet at all?—Yes; I was supplied with a very striking proof from old records last year, when I was on the Coquet.

744. Those old records, I suppose, stating that salmon were caught in the weir?—They stated distinctly that there were salmon in the Coquet.

745. But how do you know that they did not call bull trout salmon?—I think that there was internal evidence to prove that; a distinction was drawn between the two fish, and the reference was to *salmo salar*.

746. You say they are now appearing in large numbers on the Tyne for the first time?—I stated that on the authority of his Grace the Duke of Northumberland, and the chairman of the Tyne Board, who have both drawn my attention to the subject.

747. When you say "first time," what period do you refer to?—I mean that last year bull trout smolts were caught in the upper waters of the Tyne.

Friday, 25th March 1870.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Herbert.
Mr. Staveley Hill.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. W. Lowther.
Mr. Pease.
Earl Percy.
Mr. Whitwell.

JOSEPH DODDS, Esq., IN THE CHAIR.

Mr. FREDERICK FANE, called in; and Examined.

Mr. *F. Fane.*

25 March 1870.

748. *Chairman.*] YOU reside at Avon Tyrell, near Ringwood, in Hampshire, do you not?—I do.

749. Are you a member of the Fishery Board formed in your own neighbourhood?—I am.

750. That is the Avon Fishery Board?—Yes, the Avon and Stour Board jointly.

751. Has your board been long formed?—It has been formed for three years, I think.

752. I believe you have given very considerable attention to the subject of the salmon fisheries in your own particular river?—Yes, I have; and previously to the formation of the regular legal board I was the cause of getting up a movement for raising subscriptions to do what we could to improve the fisheries under the old Act of Parliament.

753. You had a Landowners' Fishery Association?—Yes, we had a Landowners' Fishery Association.

754. Had that association been in operation for some time?—I think it was in 1862 or 1863 that we commenced it.

755. That was under the Act of 1861, was it not?—Just so.

756. Of course your attention has been directed to the Acts of 1861 and 1865?—Yes.

757. Is it your opinion that those Acts require amendment?—In many matters I think they do.

758. Is one of the most important particulars in which they require amendment the question of dams and weirs?—Most certainly; that is by far the most important particular.

759. Have you any considerable number of dams upon the Avon?—Throughout its course for the first 20 miles there are a great many in the shape of fishing mill-dams, and there are fishing weirs and mill-dams again; but the two worst are very near the sea.

760. What are their names, and whereabouts are they situated?—The first is about a mile above the reach of the tide; it is the Knapp Mill Weir, and about two miles above that comes another very serious one.

761. What is the name of the second?—The two Winckton Weirs.

762. What are those weirs; are they mere weirs or fishing mill-dams?—I believe legally that they are fishing mill dams: in the case of the Knapp Weir, it is kept up for the supply of the mill; and in the case of the Winckton Weirs, they are kept up to supply water to irrigate a few meadows only.

763. Since the passing of the Act of 1865, have any inquiries been held by the Special Commissioners for Salmon Fisheries upon your river?—No, there have not been any inquiries; I have been anxious to get them down into that part of the country, but there were local feelings and private interests in the way, and it was thought better by the chairman of the board, pending any arrangements with the local proprietors, that it should stand over for the present, at all events.

764. Who is your chairman?—Earl Nelson.

765. Have questions existed with regard to the legality of any dams on your river?—That I cannot say; unless the Special Commissioners came down to make special inquiries.

766. But is it your opinion that such inquiries should be made by the Special Commissioners?—Most certainly.

767. Has that answer reference to the weirs which you have mentioned?—Yes, it has reference to those two weirs which I mentioned.

768. Are there any others of a similar character?—A considerable way up the river, 14 or 15 miles up, there is another very serious stoppage which it would be difficult to deal with, inasmuch as it supplies a very large mill.

769. What is the name of that?—It is the Ringwood Weir.

770. Of course, the whole of those weirs are of such a character, that the fish can pass over them occasionally?—In floods, they can.

771. Is the salmon fishing on the river considerable or not?—At the mouth of the river, down as far as Knapp, it is exceedingly valuable; but above that it is of very slight value indeed.

772. Is the valuable portion of the river confined altogether to the tidal water?—The real value I consider to be entirely so; I mean that the valuable portion is confined to the tidal water

Mr *F. Fane.*

25 March 1870.

and about a mile above, till you come to the Knapp Weir, which is the first great stoppage on the river.

773. I gather from you that no formal application has been made to the Special Commissioners to hold inquiries?—None.

774. Are the weirs which you have mentioned ancient weirs or modern weirs?—I conclude that they would come under the title of "from time immemorial," whatever the definition of that may be, which is, I believe, 40 years; I have no notion of when they were erected, but I believe them to be usurpations.

775. They have been in existence at all events for a considerable time?—Yes.

776. Have you formed any opinion as to how those weirs should be dealt with; take the Knapp Weir, for instance?—I fear we shall never do any good with the salmon in that river certainly, until the artificial impediments are done away with; at Knapp, those impediments are of a peculiar character.

777. Do you mean that the salmon in the river will never do any good until those impediments are overcome by fish passes, or until they are removed?—The fish passes are not sufficient; both of the two first weirs on the river have passes; both Knapp and Winckton. Those passes have been legally passed by the fishery inspector.

778. But they have not been sanctioned by the Home Office, perhaps, under the terms of the Act of 1861?—They are sealed by the Home Office, and I think they were properly passed by the Home Office.

779. (To Mr. *Walpole.*) Do you know whether the passes referred to by the Witness have been sanctioned by the Home Office?—I think that the Knapp pass was approved in the time of my predecessor.—(*Witness.*) Yes; that was so.

780. Then those fish passes are not, in your opinion, effective?—I do not conceive that they are; at all events, the effect does not prove that they are so.

781. What is the effect?—The effect is, that while immediately below Knapp we calculate that last year there was a take of about 1,300 salmon immediately below that weir, in the next three miles there were only about 50 taken, and immediately above that only seven or eight were taken; so that that barrier stands between 1,300 fish and 50.

782. Is there a constant supply of water flowing through those passes?—Yes; whenever I have seen them myself, there has been a considerable supply of water.

783. Has it been sufficient for the fish to pass up?—Yes, it has been sufficient for the fish to pass up, if they chose so to do.

784. Then how do you account for their not doing it?—I think, that except under extreme pressure in a flood, or just at the commencement of the spawning season, a fish pass, except under very exceptional circumstances, is not enough to encourage the fish to go over the weir; the incline, as a rule, is too steep.

785. And the form of construction is not what you think is the best adapted for the purpose?—No.

786. What kind of fish pass is it?—It is the old form of pass approved by the Home Office, with ordinary trough stops.

787. Mr *Hambro.*] Is it what is called a ladder?—Yes, it is an ordinary ladder.

788. *Chairman.*] Do you think that it might be improved so as to make it efficacious?—I do not think it could be made as efficacious as we require; nothing as efficacious as a Queen's gap, for instance.

789. Will you be kind enough to inform the Committee how the Knapp Weir is used?—It is used to dam back the water to supply an ordinary corn-mill close by.

790. Is the value of that corn-mill considerable?—I should state that a corn-mill is considered very bad property in my part of the country. Perhaps the rent might be 100 *l.* a year; in fact I think it is that sum.

791. It is not in the hands of the owner, I suppose?—It is not in the hands of the owner.

792. Do you think that it would be necessary, in order to improve effectually the fishing of the river, that that dam should be removed?—The dam is in the form of a row of hatches which run right across the river. Those hatches are always open, at all events a portion of them are open whenever the mill is not going, and at those times, if the water is high, the fish would pass through readily. Then in the summer the flow of water through the hatches would not be sufficient to prevent the fish getting through, if it were not that the proprietor has the power of putting gratings across the hatches; he puts gratings across the hatches, which would prevent any fish in the world passing through the hatches. They are as effectual as the worst cruive on a Scotch or Irish river. The fish throw themselves against them and fall back into the pool.

793. Has that mill-owner the fishing below the dam?—No, it belongs to a gentleman.

794. He is not interested in preventing the fish passing up, is he?—No, not in the least; it is nothing to him.

795. Has he any right of fishing above the dam or the mill?—The owner of the mill has, perhaps, the right of fishing for 100 yards above the weir.

796. Nothing more than that?—Nothing more.

797. So that he has no indirect interest in improving the salmon fishing of the Avon?—He has an indirect interest in the fishing as one of the public, inasmuch as he is a fisherman with a rod; but of course he works his nets below the dam entirely for profit.

798. I understood you to say that he had no fishing above the dam?—I did not understand you to use the word "owner."

799. Is there connected with the mill property any right of fishing in the river?—It is all one property, the fishery and the mill.

800. What extent of fishery is there?—It extends from about 100 yards above the mill, down to a certain point in the estuary of the river, probably for three miles.

801. Therefore, supposing the mill and the fishing to be in the hands of one person, he would have a direct interest in preventing the fish passing up, would he not?—Certainly.

802. Is it with regard to the use of those gratings, and other matters connected with it, that you desire the Special Commissioners to visit the river?—Certainly; to see, in the first instance, whether the weirs are legal or not, and if not, what steps could be taken to get rid of them.

803. You doubt whether the way in which the weir is used is legal or not?—I hope it is illegal.

804. And

804. And you consider the matter of sufficient importance to demand an inquiry by such a tribunal as the Special Commissioners?—I do.

805. I suppose that no individual has a sufficiently direct interest in the matter to warrant him in taking any steps to test the legality of the weir?—I know of no one who has such an interest as that.

806. You said that the fishing in the estuary was considerable?—Yes.

807. Might it, in your opinion, be made very considerable in the upper part of the river as well?—The river is naturally a salmon river. I see no obstacle to the fish going many miles up the river; if we could dispose of the two main impediments for the first four miles above the tideway, the river might be materially improved.

808. Looking on salmon as an article of food, you think that the production might be very materially increased by those means?—Yes, certainly, and especially looking at the market value of the fish of that district; the prices range higher for the London market than any other fish; and there being a considerable supply now, the real value of the fishery is very considerable even now.

809. Then with regard to Winckton, you say that those weirs are used for irrigating meadows?—A very small portion of some meadows in the immediate neighbourhood.

810. Have you any idea of the extent of that meadow land?—I should say as small a proportion as 20 or 30 acres only; but it does vast damage to other meadows.

811. What is about the annual value of that meadow land, irrigated as it is?—I estimate the value at about 1*l.* per acre.

812. Supposing the dam were pulled down and the meadows were not irrigated, what should you say would be the value?—I believe in a few years, from improved drainage, they would be worth quite as much as the irrigated meadows.

813. You are of opinion that the immediate damage to the owner could not exceed about 20*l.* per annum?—That is my opinion.

814. Do you think that the damage done by the weir in its present state, far exceeds the loss that would be sustained by the owner of the meadow-land, if the weir were removed?—The damage is incalculable which is done to the land above this dam, for it covers several hundred acres; if we could get rid of this dam, the value of the land for 200 or 300 acres upon the neighbouring shore would be vastly increased.

815. I understand you to say that those weirs have existed for a considerable time?—Yes.

816. There is no record of the time when they were first erected, I suppose—No.

817. In the event of their proving to be legal under the law as it stands, is it, in your opinion, desirable that power should be conferred upon persons interested in the fishery, or in the lands above, to acquire those weirs for the purpose of removal?—Yes; I think it is most desirable.

818. Do you know if the owner is disposed to sell the property?—I should be inclined to doubt it. An offer was made in conversation or, I believe, in writing, a short time since by the owner of the Knapp Weir, to a neighbour, saying, that he was willing to sell his property; but I believe that was done without being meant. I think he would have drawn back if any attempt had been made to close upon it.

819. Do you think there is any reason why those provisions of the Land Clauses Consolidation Act that are brought into operation where property is taken for the purpose of a railway company, should not be applied to a case of this kind?—I see no reason why the provisions of the Lands Clauses Consolidation Act should not be brought into operation in cases of this kind. Mr. *F. Fane.* 25 March 1870.

820. The injury done to a weir is capable of being measured by pecuniary value, is it not?—Yes, I think so; and speaking as agent for neighbouring property, I should say it would be most desirable that some mode should be found of dealing with those weirs as well as others.

821. It would be for the interest of the fishery proprietors, I suppose, if they were dealt with?—Yes.

822. It is desirable, you think, that the Fishery Board should have the power to acquire these dams by compulsory means for the purposes I have mentioned?—I do.

823. Now, with regard to the Ringwood Weir, are the circumstances somewhat similar; you say that there is a connection between that weir and a large mill?—The fishing interests are not considered of the same value at that part of the river as they are lower down.

824. The interests connected with the dam, on the other hand, are very much more considerable, are they not?—Yes.

825. Is there any fish pass attached to that dam?—There is one which has been put in by myself by the subscriptions that were put into my hands in the year 1863, but it is perfectly inefficient.

826. That was under your Voluntary Association, I suppose?—Yes; I ought to say that it was never submitted to the Home Office at that time.

827. It was an experiment, I suppose?—Yes, it was an experiment. The miller was willing to let it be tried, but if I had called in the Inspector of Fisheries he would most probably have declined to allow any interference with his affairs.

828. Why?—Because he had no faith in any attempts to improve the salmon fisheries; he would not have liked to have a Government officer coming about the place, I think.

829. Do you mean the Inspectors or the Special Commissioners?—I mean the Inspectors.

830. What kind of mill is the Ringwood Mill?—It is a corn mill also, but on a larger scale, and I conceive it is much more valuable than the other mill which I have mentioned.

831. Would there be any difficulty in that case in constructing a thoroughly efficient pass?—Mr. Buckland sent me a short time ago, after having been on the spot, a model of what he proposed on the pool system; that is to say, a model of a fish pass to be applied to Ringwood. He said that he had spoken to the miller and that the miller made no objection. He therefore sent me down this model, but he said nothing with regard to who was to pay for putting the pass in; so we have got no further, only that I have the model.

832. The miller's objections to Government officials had been overcome by the suavity of Mr. Buckland?—Exactly so.

833. I take it that there would be no difficulty in constructing a pass that would be efficacious?—I have Mr. Buckland's authority for saying that there would be no difficulty.

 834. I suppose

Mr. *F. Fane.*

25 March 1870.

834. I suppose this dam, like the others, is one that has existed for some time?—Yes; it scarcely comes under the definition of a fishing mill dam.

835. They do not catch fish at it, I suppose?—They do not catch the fish.

836. It is a mill dam?—Yes, it is a mill dam. There are eel stages attached, but there is no means of stopping the salmon.

837. It has never been used for salmon fishing, in fact?—No.

838. Assuming it to be legal, do you not think it would be right that Fishery Boards should have the power to affix an efficient pass to that dam?—Certainly I do.

839. Might that be done without interfering with the milling power?—Mr. Buckland says so.

840. What is your opinion; is the Avon of considerable volume there?—Yes, very considerable.

841. Does the miller at any time use the whole of the water?—Scarcely; except that he might do so in August and September, perhaps.

842. Only in exceptionally dry seasons?—Only in exceptionally dry seasons; and then I expect at night one of the hatches is obliged to be put up to let off the waste water. I fully believe that at some time during the 24 hours there is plenty of water to supply a fish pass such as there is now, bad though it be, or an efficient one, either on the old system or on the pool system.

843. Would there be any difficulty in raising the needful funds for the construction of such a pass as you propose?—I think there would be, as things stand at present.

844. Are you of opinion that additional powers should be conferred upon Fishery Boards to enable them to raise funds for such purposes?—Yes.

845. Have you at all considered in what form that power is to be conferred on Fishery Boards; do you contemplate levying rates?—I have not made that a study much. As things stand at present, the whole system appears to require alteration.

846. Are you aware that, under the Act of 1865, power is given to purchase dams, fishing weirs and fishing mill-dams, for the purpose of removal?—Yes.

847. Do you think that power to raise funds for that purpose, as well as for constructing passes, should be conferred on Boards of Conservators?—I do; but as we stand now, I think we should find a difficulty in applying those powers. On my own river, the rental derived from licenses of various kinds is so small, that we could raise nothing on it until the river is improved.

848. Until these three weirs are dealt with, you anticipate no considerable improvement in the upper part of the river?—Certainly not. Until then we shall get no sympathy from the upper proprietors.

849. You think it is the foundation of all permanent improvement that the lower dams should be swept away?—Certainly.

850. If there were a prospect of having them removed, do you think there would be any difficulty in raising sufficient money to compensate amply the owners of those dams at Knapp and Winckton?—I think none, because I know from conversation with the upper proprietors, who are all large proprietors, that they would be willing to do all they could to assist us, if there was a prospect of improvement. At present they do nothing.

851. At present they conceive they have no interest in the matter, I suppose?—Precisely.

852. Mr. *Knight.*] How far do the salmon go up?—At present the clean fish do not go up above Ringwood. In the winter months they force their way up to Salisbury, a distance of nearly 30 miles further up the river.

853. Those proprietors near Salisbury do not think they have much interest in the salmon fishery, I suppose?—Not the slightest.

854. *Chairman.*] I understand that there have been some disputes between your board and the net fishermen of the estuary, is that so?—I am not aware of it.

855. Mr. *Hambro.*] Has there not been any dispute with regard to the amount of license duty?—I think that when we were settling the scale of licenses, I was strongly in favour of making it 5 *l.* in the estuary, and there was some question with regard to its being too much; but I am still in favour of charging 5 *l.*

856. What license do you mean?—I allude to the ordinary seine license.

857. *Chairman.*] At present do you impose a duty of 5 *l.*?—I think 3 *l.* is the sum now.

858. You do not know whether that is objected to?—I do not think it is objected to, because I believe there is an increase of nets every year.

859. The Committee have had some evidence with regard to this river from Mr. Walpole; do you happen to know whether the net fishermen are in the habit of transferring their licenses from one to another?—I have never heard that, and I have no reason to suppose that it is so; if it is done, it must be done with the connivance of our water bailiff, who is, or ought to be, on the shore where the sea fishermen net every day. I have not heard of anything of the kind.

860. Mr. Walker is the owner of the Knapp Weir?—Yes.

861. And he lets his fishing below it, does he?—No; he fishes it on his own account, with his own men.

862. He nets it, does he not?—He nets it, and also he lets rods upon it to gentlemen for fly-fishing for salmon.

863. Is that done to any considerable extent, or is it limited?—It is limited to four rods, I believe.

864. What do they pay?—They pay 25 *l.* a year a-piece and they give up their fish. The gentlemen catch, perhaps, two or three salmon each in the course of the year.

865. You have spoken of some eel traps connected with one of the weirs?—Yes.

866. Have you any suggestion to make to the Committee with regard to those eel traps?—If the law was amended my opinion is that no eel traps of any kind should be allowed to be attached to any weir between the 1st of December and the 1st of June. The quantity of eels taken would be very small indeed, and during the months of February, March, and April, there is a great danger of their catching the kelts, and in the month of May of their catching the young fish going down.

867. You think, as I understand you, that they damage the salmon fishing very much without much benefiting the owners of the traps themselves?—I do.

868. Are you aware that in the small channels that are cut for the purpose of irrigating meadows, the fish not unfrequently run up, and are destroyed?—I am aware that in all the small carriers,

as they are called, in the water meadows the fish run down; there is no fear of their running up. The old fish coming down the river are taken into these carriers, and the young fry are also taken, and are gradually disseminated over the whole of the meadows. I have seen it frequently.

869. You think that they never get back again?—They never get back.

870. In that way the fishery is very much injured, is it not?—Yes, but I see no way of counteracting that.

871. But if a grating were placed across the entrance to each of those carriers, would not that meet the difficulty?—They are on such a large scale that the expense would be endless. I have seen the thing tried, but in 24 hours they get so blocked with small pieces of weed floating in the river that there would be a great danger of the whole dam, gratings and all, being carried away; and, in fact, from my own local knowledge, I find there is no way of grappling with that difficulty. I know that my own opinion is contrary to that of Mr. Buckland and Mr. Walpole. I have been with them in the water meadows, but I may say that I stick to my own opinion still.

872. We have been told that compulsory powers are not very much required, and that in the main, persuasion will do all that is necessary; does your experience warrant that opinion?—Not in the least; I have no opinion of persuasion.

873. Have you any suggestion to make with regard to the annual close season?—No, I have no suggestion to make with regard to the annual close season.

874. Are you satisfied with the law as it stands?—Yes, I am satisfied with the law as it stands.

875. Now, with regard to the weekly close time, have you anything to suggest to the Committee about that?—I think, speaking generally as to what should be done for the Avon to improve it, one of the necessary things, failing other remedies, would be an alteration of the close season with respect to the different localities on the river; that is to say, I think, at all events, for the present it would be a good thing if we could have a variation of the weekly close time, so that there should be a clear run for the fish, for perhaps three days, through the lower part of the river, and for two days through another portion of the river, until we got up to the point where the value of the fishing would be very small.

876. I suppose you have not had the benefit of reading the evidence which Mr. Walpole gave before this Committee the other day on that point?—I have not.

877. Then, with regard to the mesh of the net used for salmon fishing, which is two inches from knot to knot, do you approve of that?—Yes, I should not propose any alteration of that.

878. Now turning again to the weirs, which you have mentioned, do you think that there should be any restriction with regard to anything near to mill dams?—Most decidedly; my opinion is very strong on the matter, I think that short of a queen's-gap under no circumstances in any weir or fishing mill dam should there be any netting allowed within the hundred yards below the dam, measured from the centre of the dam to each bank.

879. According to your experience, does very great mischief arise from netting nearer to the dam than that?—Every fish is swept clean out of the river by means of the pool at the foot of the dam.

880. It is to the interest of the occupier or proprietor of the dam, if he is fishing below, to prevent the fish getting beyond it, is it not?—Certainly.

881. Would you make any prohibition with regard to fishing above mill dams?—I do not see the necessity of that. The only fish that lie about the water immediately above the mill dam are kelts, and no proprietor would take them out for his own interest; therefore I see no necessity for legislating upon it.

882. How are the draught nets used in the estuary; are they ordinary nets?—They are ordinary nets, precisely the same as they would be in the river.

883. You have no case such as we have in the north, in certain rivers and estuaries, of attaching the nets together, so as to make one huge net?—No.

884. The river is tolerably fairly fished, is it?—Yes, except that one net follows the other so quickly that it is practically a wall across the river.

885. Do you not think that mode of using the net is objectionable?—I think that it is an objectionable mode of using the net, but I do not see how we can interfere with it.

886. Why not?—Each net and boat belong to different individuals.

887. You are speaking of public waters, are you not?—Yes, of public waters.

888. But if that mode of fishing proves injurious to the interests of the river generally, would it be unreasonable to ask Parliament to provide for a case of that kind; it has been suggested that it may be provided for by means of a bye-law, and that powers should be conferred on Boards of Conservators to make bye-laws prohibiting putting down a net within a certain time after another net; do you think that some such plan as that might be adopted with advantage?—I think it would be hard on the fishermen who fish for a very limited period during the ebb tide; there may be 20 nets and boats engaged in fishing; the first net is shot, and if you forbid the second net to be shot for 10 minutes, the last might lose the tide altogether.

889. Do you refer to the circumstance that the tide imposes an additional close time upon all fishing in tidal waters?—Yes; I would suggest that any alteration of the law should apply to the night time, which would give us, indirectly, an extra close time.

890. Would you propose that that prohibition of fishing by night should apply to the tidal portions of the river as well as the fresh water?—Certainly; it should apply to both, and I have reasons for saying so.

891. Will you be good enough to explain those reasons to the Committee?—In my river, we fancy that the fish drop back into the pools at night off the shallows during the summer, and those are fish that would become early spawners, and we do not feel that that is giving the fish a fair chance.

892. Fishing by night has a tendency, you think, to increase poaching?—We have no poaching in our river.

893. Have you ever had any complaints in connection with your district with respect to the mode in which Boards of Conservators are constituted?—No.

Mr. *F Fane.*

25 March 1870.

894. Do you think that the people of that district are satisfied with the present mode?—I have never heard any complaints.

895. What number of conservators have you?—I really cannot say; I know that very few ever attend the meetings of the board.

896. Probably they would attend in greater numbers if they had a more direct interest in the river, in consequence of the removal of the dams?—They might do so, but I am not prepared to say that they would.

897. Have you found upon your river any necessity for power to make bye-laws?—No, not directly on our river.

898. It has been suggested to this Committee, that all boats used in net fishing should have a distinguishing number, such as pilot boats have at present; would that be an improvement, do you think, upon the present regulations?—I think there is no necessity for it; but of course the Committee will understand I am speaking locally.

899. Have you had any experience with regard to the mode in which the Special Commissioners have discharged their duties since their appointment?—My attention has only been drawn generally to their proceedings; and their labours seem to have been effectual in various parts of England. We have had no experience of their doings in my neighbourhood.

900. But from what you have seen and heard of them elsewhere, what is your opinion of the mode in which they have discharged their duties?—I am very anxious to see Parliament continue them in power.

901. And, as I understand you, you are especially anxious to have the benefit of their services in your own neighbourhood?—Yes; I should be glad to see them in my own neighbourhood; I was very anxious at the last meeting of the Board of Conservators, that they should be called into our district to examine the legality of the stoppages on the river, for fear Parliament should not continue the Special Commissioners during this Session.

902. Then, if the Special Commissioners were not continued, I gather from your evidence that you would regard it as a disadvantage so far as your district is concerned?—Very much so.

903. Have you had the inspectors visiting you much?—Yes.

904. Is there anything else that you wish to bring before the Committee?—My opinion is, that if the Special Commissioners were continued by Parliament, I should like to see them made into a permanent travelling board, like a Court of Assizes; that they should go round to every district periodically, and have power to alter the bye-laws, and to listen to any complaints that might be made by professional fishermen, or the gentlemen of the neighbourhood, with regard to the working of the Salmon Fishery Acts generally.

905. You would confine the power of making bye laws to the Board of Conservators, subject to confirmation by the Special Commissioners?—Yes, subject to confirmation by the Special Commissioners. I think the Commissioners could suggest and enforce matters locally, that the conservators, who are generally gentlemen of the district, are unwilling to enter upon, at present, from private feelings. The professional fishermen would listen to a person in a responsible position when they would not listen to us.

906. In the first place the Special Commissioners would speak with more authority, and in the second place they would be less influenced by local considerations, you think?—Just so.

907. With regard to license duties, do you think that the Schedule requires improvement?—I think it does, inasmuch as no mention is made of this particular engine, that we have in the west of England, the stop-rail, locally called a rack, which has the effect of an ordinary cruive; but in the Schedule attached to the Act of 1865, there is no heading under which they come.

908. Would not the general heading at the end, "For any instrument not named in this Schedule," cover it?—When we were arranging our scale of license duties, I tried to bring them under that head, but I was overruled by the rest of the Board of Conservators. I think we took the opinion of fishery inspectors at the time, and they said that we had no power to impose a license on those very destructive implements. I should like to see them licensed at a very much higher figure than they are, so that we might get rid of them.

909. You think that they should be extinguished, in fact?—Certainly.

910. Are they extensively used on the river?—Only on the Winckton and Knapp Weirs.

911. Mr. *Herbert.*] You spoke just now about the weekly close time; will you be good enough to describe more fully to the Committee how you would carry out your idea?—It was only a suggestion that struck me yesterday; I fear that my own particular river has been completely worked out, at all events temporarily, and I think that some exceptional steps should be taken to improve it. All the fish are swept out, I may say, clean in the estuary, for a mile above the tideway, and I want some means of altering that state of things; I see no other mode at present, except by an alteration of the close time in some such way as I have suggested.

912. Three days and then two days a week?—Yes; so as to give the fish a chance of running past the impediments below.

913. As I understand you, you would have different times in different parts of the river?—Yes.

914. Do you not know that how the fish run depends very much on the state of the water and the winds, and also, I believe, on the nights?—I have been told so; I have been told that the salmon run at night when they do not run in the day time; but that change would be for the benefit of the river and the public.

915. I suppose you have practically no knowledge as to when the salmon generally run up?—No.

916. But you think the way in which those nets are fished in the estuary is most injurious?—Most injurious.

917. They have got a peculiar way of fishing by throwing out one net and then another immediately afterwards on your river?—Instantly.

918. Do you not think that some legislation might be brought to bear on that?—I have said that at present I do not see how you could legislate for that.

919. I believe it is the case that salmon only run at particular times of the tide?—I am not aware of that; certainly not locally; I have heard it named generally.

920. With regard to your Board of Conservators, can you give any reason why there is such

such a bad attendance on that board?—I suppose it is general indifference.

921. Where do you meet generally?—We meet generally at a point which we have arranged as being most central for all the conservators in the county. But with regard to our own river we are a joint board for the Avon and Stour, and we go on to the Stour for our meetings. In order to accommodate the Stour gentlemen principally, we go to Wimborne.

922. Do you think that that is the most convenient way of arranging matters?—We do not object; the railways happen to converge there, and they can be brought there easily if they choose to come; we have, perhaps, 20 conservators on the joint board, and about four is the outside which we can muster for a meeting.

923. Are they generally gentlemen from the Stour or the Avon?—They are generally from our river, except the honourable Member for Weymouth.

924. You do not think that you would get a better attendance if you had another place of meeting?—That was discussed by the board, and we agreed on account of the railways converging at Wimborne, that that would be the most convenient for all parties.

925. Do you not think that it would do a great deal of harm to the local fisheries, particularly at the mouth of the river, if you stopped night fishing in the estuary?—I think it would do us good.

926. You mean eventually?—Certainly, eventually. I do not know their practice now; I do not know whether they use the night ebb tide or not; I think they do on fine nights.

927. In other rivers the night fishing is generally very much the best, is it not?—I think in the long run it would answer, because more fish would escape.

928. Mr. *Pease.*] As to the model pass which was sent down by Mr. Buckland, did the miller make any objection to the mechanical construction of that pass?—No; he made no objection to the mechanical construction of that pass, that I am aware of; but I simply had that by letter from Mr. Buckland, and I have not seen him since.

929. Do you think that if the fish ladder which was adopted showed but a very slight, if any, waste of water, there would be any practical difficulty with the miller or millowner in putting up a pass?—In that case I do not anticipate there would be any practical difficulty; he appears inclined to listen to reason; and supposing we had the funds to make the fish pass on the pool system to the miller's hatchway, which would be a considerable expense, I do not suppose that the miller would care much about it; but the difficulty would be with the miller's men. We must have some one to pass the water through the fish pass at proper times when the mill is not going; unless we had some servant of our own constantly in attendance, I doubt whether the miller would take any steps to attend to the pass when the mill was not going.

930. Was the pass that was submitted to you, one that was always open?—There was an arrangement of traps in it to regulate the flow of the water through it, according to the quantity of water available.

931. And that would involve some arrangement with the miller, or some one on the spot?—Yes.

932. I understood you to say that you had not given much attention to the question of the formation of Boards of Conservators?—No.

933. *Chairman.*] Has that been on account of your having had no complaints of any kind locally?—We have had no complaints.

934. Mr. *Pease.*] In your river, you feel that the present Act does not give sufficient power to meet the local requirements which differ from the general scope of the Act of Parliament?—Yes; we should be glad of further powers.

935. And those powers you would suggest should be met by bye-laws to be approved of by some central authority, I presume?—Yes.

935. Mr. *Staveley Hill.*] What are those things which you call stop-rails or racks?—That drawing (*referring to a woodcut in a small quarto pamphlet*) represents it on a small scale. This is the hatchway through which all the waste water of the river is passed; and the owner of the fishery drops in a wooden rail.

937. Is it a single rail?—It is precisely similar to that; he drops that into the grooves, and then whatever water may be coming through the hatchway, the fish throw themselves up against the racks and drop back into the pool; the fishermen drop the hatches and make the pool dead water, and take out every fish that is below, so that this is just as deadly as any groove into which the fish get of their own free will.

938. Mr. *Hambro.*] Do you call that a fishing mill dam?—I believe it is legally so.

939. In the Return sent to the Inspectors of Fisheries in the year 1869, in that district there were 16 nets of 3 *l.* each; have they increased?—I am inclined to think that they will do so this year.

940. Do you think the men make a good business of it at 3 *l.* a-piece?—Last year they did; but in the previous year I think they did not.

941. In the same Report it is stated that the proprietors of Knapp and Winkton had voluntarily agreed to open one hatchway continually for the first three months of 1869, February, March, and April; can you give us the result of that?—The result, as far as I can judge, was that more netting was done immediately above the weir at Knapp, and the proprietor, consequently, said, his object not being to let his neighbour catch the fish which he declined to touch, that he should not continue opening his weirs upon those terms.

942. But, in your opinion, directly the hatch was raised, the fish could get up, and there was a decided improvement in the quantity of fish above the weir?—In my opinion, there was a decided improvement.

943. It is also stated in the Report that, before the year 1861, no netting was allowed with a small mesh from the 1st of January to September, while, since that date, fishing is carried on all the year with small mesh nets, avowedly for flounders, but that they catch salmon; do you know where they fish for those flounders?—I suppose that was in the estuary, but I have no knowledge of whether any salmon were caught in them or not; but the water bailiff would probably be able to judge whether salmon were caught in them or not.

944. He says so; but you are not aware of that?—No.

945. Your water bailiff thinks that net fishing should cease on the 1st of August; do you agree with that?—I have no opinion on that point; but I should

Mr. *F. Fane.*

25 March 1870

I should say that if we could gain an extra month for the river, it would be so much better.

946. Is there not a weir on the Stour with hatches similar to the one at Knapp?—Precisely similar; but I am told that the racks are not at present used.

947. Mr. *Knatchbull-Hugessen.*] I think you have stated that you are very anxious for a visit from the Special Commissioners to your river? Yes.

948. Have you any such special points with regard to your river as that the previous decisions of the Commissioners would not bear upon or elucidate them?—My wish for them to come down is to decide upon the legality of those racks or stop-rails which are placed at the two fishing mill dams on the river. If they decided that they were legal, we should then be no worse off than we are now; and if they decided to the contrary, we should have the river opened at once, which I conceive to be the great remedy.

949. Do you think that the best way of deciding that is by a special court, such as that formed by the Special Commissioners?—I do.

950. *Chairman.*] I think I understood you to say you thought that no net fishing should be permitted within 100 yards of a dam?—Most certainly.

951. Mr. *Knatchbull-Hugessen.*] You think that that would be a valuable provision in a new Act for Salmon Fisheries?—Most valuable; I think it is essential.

952. Have you turned your attention to the desirability of extending the powers of the water bailiffs?—I believe they have now power to visit weirs and all obstructions in the river under the Act of 1865.

953. But do you think that giving water bailiffs more extended powers would be likely to create hostility to the Bill?—I think it would in my own immediate neighbourhood. I feel sure that many of the proprietors would very strongly object to any extended powers of that kind. I do not think that there would be any objection to the members of the Boards of Conservators peering about, but I think that water bailiffs would very soon get into difficulties with the gamekeepers.

954. Do the members of your Board of Conservators act harmoniously together?—Perfectly so.

955. Do you think that they give satisfaction to the locality?—Yes, I think they do.

956. Have you turned your attention to the desirability of any alteration in the present constitution of Boards of Conservators?—No; our board works as well as anything can, as far as I can see.

957. Working well, as your board does, do you think that a power given to them to make bye-laws, that is to say, a general extension of their authority, would be serviceable?—I do; but I have advocated the necessity of the Special Commissioners being constituted into a species of local court of appeal; that they should not be asked to come as they now are, but that they should come as part of their duty to visit every fishery district, and have very great powers to alter bye-laws or to make any amendments that may be locally necessary; in fact, that they should be a local court of appeal from the Boards of Conservators.

958. If I understand your suggestion properly, you would constitute the Special Commissioners a permanent body?—Certainly.

959. Then, with regard to the inspectors; would you maintain them also, or would you impose on the Special Commissioners, so altering their constitution, the duties of the inspectors?—I feel myself that the Special Commissioners are the best body of men.

960. Instead of having, acting under the Home Office, the inspectors of fisheries, as at present existing, you would have a body which was at once to do the inspecting duty and form a special court?—I would.

961. Mr. *Lowther.*] It has been stated that a justice of the peace has power to authorise a water bailiff to enter upon land where there is reason to believe that illegal practices exist, but that the power only lasts for 24 hours; and it has also been stated that that is practically a useless power at present; do you think that that is so?—In my neighbourhood we have no experience of the exercise of any power of that kind by water bailiffs.

962. I think you have stated that you have no poachers on the river?—None.

963. Mr. *Herbert.*] Do the fish in your river command a high price?—I have got as much as 5 *s.* a pound for it. I have sold a fish for 7 *l.*

964. *Chairman.*] Was that a fish that you killed yourself?—It was one that one of my nets had fished.

965. Mr. *Assheton.*] Yours is not a very large district, is it?—It includes the two rivers, the Avon and the Stour.

966. *Chairman* (to Mr. *Walpole*).] Will you be good enough to describe to the Committee the district in question on that map?

967. Mr. *Walpole.*] This white line is intended to take in the whole district of the Avon and the Stour (*referring to the Map*). The Avon runs up pretty near due north, and the Stour rather north-west.

968. Have the two rivers a common estuary?—They have a common estuary.

969. Mr. *Assheton* (to the *Witness*).] I wish to know whether in your district you have ever found the inconvenience of not being able to graduate the scale of licenses between one part of the district and another?—We have in practice graduated the scale of licenses; we have charged more for nets at the mouth of the river than we have for nets used at a certain distance up the river.

970. Do you mean that you have made that difference for the same description of net?—For the same description of net.

971. Have the Home Office sanctioned that?—I conclude that they did. The scale of license was settled and first established by our Board of Conservators, and it has been continued ever since. I think the highest license is 3 *l.*, and that the next is 2 *l.*

872. *Chairman.*] I presume that you are referring to net fishing and not to rod fishing?—I refer to net fishing.

973. Mr. *Assheton.*] Did that receive the sanction of the Home Office?—I believe so.

974. Have you ever turned your attention to the question of altering the method in which Boards of Conservators are formed?—No, I have not. We have never had any occasion to think the matter over, or to discuss it in any form.

975. Have you ever considered whether it might be desirable that the members of the board should be elected, some, or all of them?—No; I have never turned my attention to that.

976. Have

976. Have you ever considered whether it is desirable to raise money by rating the owners of fisheries?—I conceive that there would be no other mode of getting rid of these stoppages on the river; and whenever the time comes that any power of compulsory purchase is adopted, a rating must occur upon the river; but at present the amount of money which we receive is so small that it would be practically no security on which to raise any sum of money to be of any consequence; we have no funds, in fact.

977. Would it, in your opinion, be a fair thing to rate the owners of the several fisheries along the banks of the river?—Certainly; as a lessee I should be only too glad to be rated.

978. Would you be glad to be rated for the benefit of the people in the public fisheries who would not be rated?—Yes; after some restraint was put upon their present mode of fishing, but now they take the oyster and leave us the shell.

979. The *quid pro quo* which you would expect for the payment of rates would be extra restrictions on the public fishermen?—Exactly.

980. *Chairman.*] I understood you to say that you had never had any question raised with regard to the constitution of your Board of Conservators, and that you had never heard of any complaint?—No, not that I am aware of; certainly not at any of the board meetings. We never had it brought before us in any official form.

Mr. *F. Fane.*

25 March 1870.

981. Are you entirely in one county?—No, we are in two counties, Hampshire and Dorsetshire.

982. Therefore you are appointed by the justices at the Quarter Sessions of the two counties, I suppose?—Yes.

983. In answer to one of my previous questions, I understood you to say that you attributed the indifference on the parts of the members of the board in attending meetings to the circumstance that the upper proprietors had so little interest in the fisheries?—Yes, that is one reason. But among them there are people who have no direct interest in the fisheries; who are local magistrates, farmers, and others, who neither as proprietors have a direct interest, nor as anglers have an indirect interest in the fisheries.

984. Have you anything that you wish to state further to the Committee?—I think not.

Mr. Edward Matthew Fenwick, called in; and Examined.

985. *Chairman.*] You live at Burrow Hall, near Kirkby Lonsdale, do you not?—Yes; that is the post town.

986. You are Chairman of the Lune Fishery District Board, I believe?—I am.

987. Does that comprise the River Lune, the Wyre, the Keir, and the Cocker?—Yes.

988. They have a common estuary, have they not?—They have in Morecambe Bay.

989. What income did you derive from licenses last year?—About 300 *l.*; rather over 300 *l.*

990. Has it been increasing?—It has been slightly increasing.

991. How long have you been Chairman of the Lune District Fishery Board?—Nearly three years.

992. Have you considered the Salmon Fishery Acts of 1861 and 1865?—Yes; I had the honour of serving, when a Member of the House, upon the Select Committee on the Act of 1865, and I think my namesake was Chairman of that Committee.

993. Then I need not ask you if you are thoroughly acquainted with the subject?—I have paid attention to it.

994. Do you find that the present laws are defective?—Clearly so.

995. What do you consider to be one of the main difficulties in connection with your own fishery board?—I think that the Salmon Acts themselves limit the powers of the Special Commissioners very much, and those powers have been farther abridged by the interpretation put upon them by the Court of Queen's Bench.

996. Do the weirs in your fishery district very much obstruct the passage of the salmon to the upper waters?—Yes; the lower weir, Skerton Weir, situated near the estuary where the tide comes up, is the lowest weir.

997. Does that weir present a very serious obstruction to the passage of the fish?—Yes, I think it does.

998. What kind of weir is it?—It is a large weir; a very heavy structural work across the river, and dams the water for the purposes of a large mill, which is worked there.

999. Is it a corn mill?—It is a corn mill.

Mr. *E. M. Fenwick.*

1000. Is it a valuable mill; have you any idea of the rental?—Speaking generally, I think I have heard that the rent is about 200 *l.* a year, and then there is the fishery.

1001. Is the dam a fishing mill dam?—No; the owner of the weir surrendered the fishing adjacent to the dam, and he is therefore outside the Act of Parliament, but he has land near the weir, which he lets as a fishery.

1002. Is the fishery above or below the dam, or partially above, and partially below?—It is mainly below the dam.

1003. But are there fish above the dam also?—Yes.

1004. To what extent are they below the dam; a few hundred yards perhaps?—Yes, I should say some few hundred yards, probably a mile; but above the dam it would be less.

1005. The owner is not also the occupier, I suppose?—No, he is not.

1006. The mill is let to one person, and the right of fishing to another?—Just so; both are tenants of Mr. Henry Garnett; not the Mr. Garnett of the Clitheroe case.

1007. Have you any idea of the rental of the fishery?—No; but I believe that it has fluctuated very much in value.

1008. Is the rent paid in money?—In money; at least so I have understood.

1009. Was the dam formerly used as a fishing mill dam; were there cruives in it?—Yes; the present lessee of the fishery used to fish at the end of the dam.

1010. What was the technical name of that dam?—There is a fish-pass in the dam now.

1011. Was that fish-pass constructed under the direction of Mr. Ffennell?—It was with the sanction of the Home Office.

1012. Has it been altered once or twice?—Yes; perhaps I may be allowed to add that the fish-pass is found to be very inefficient; I mean the pass so sanctioned by the Home Office, and since then Mr. Walpole, and I think Mr. Buck-

Mr. *E. M. Fenwick.*

25 March 1870.

land also have seen it, and some alterations have been made in it.

1013. Is that recently?—Within the last two years.

1014. Is that fish-pass very inefficient?—Yes, we still think that it is not an efficient pass.

1015. Have you, as a board, endeavoured to get it made more efficient?—Mr. Garnett, the owner of the weir, objects very much to meddling with the weir in consequence of its great extent, and the probable injury which would arise to the structural work.

1016. He is apprehensive, I suppose, that the weir would suffer very materially?—Yes.

1017. If he could be satisfied that it would not be so, do you think he would consent to any alterations being made to render the pass efficient?—Yes, but it would be a very costly operation; it is an old weir, and anything like interference with it without most effectual repairs, would be a very expensive operation.

1018. Is there any danger of it washing down in any flood?—Yes, I think it might very possibly do so; the Lune is fed by mountain streams very much. The valley of the Lune is rather narrow, and the streams come down with very great force, and in flood time the whole weight of the river falls upon this weir.

1019. The Lune is the river which we see passing Tebay station, is it not?—Yes, that is the river.

1020. Have you availed yourselves to the full extent of the powers conferred by the Act of 1861 with regard to those weirs?—Yes.

1021. And I suppose you have found those powers unavailing to do what you require?—Yes.

1022. Is there a considerable leakage in the dam during dry weather?—Yes, and that would be one great objection to meddling with this weir. I have heard the water passing at the base of the weir, when there was no water tumbling over the weir; no doubt the weir is a very old one, and it would require a good deal of money laid out to restore it.

1023. With regard to the Special Commissioners, do you think that the Act of 1865 gives them sufficient powers to deal with cases such as this?—No, I do not think it does.

1024. If I understand you rightly, you think in the present state of the law that any further interference on the part of the board, as a board, would be useless?—Certainly, in the present state of the law, it would be useless.

1025. Are there any other weirs on the River Lune, similar to this?—Yes, there is one above Skerton Weir, at Halton. That is a large weir.

1026. How much further up is it than the Skerton Weir?—Two to three miles.

1027. But still below Kirkby Lonsdale, I presume?—A long way below Kirkby Lonsdale.

1028. Is that a weir of a similar character?—That is a mill dam; it serves the mill at Halton.

1029. Is that mill a very valuable one?—It is rather smaller probably than the Skerton Mill, but still it is the ordinary class of mill supplying the neighbourhood for grinding.

1030. Is there a fishery connected with that property?—Yes.

1031. Is the dam a fishing mill dam?—The fish are in the mill dam, and there is an old pass which exists; it is not a pass created under Act of Parliament.

1032. Has that pass been approved by any central authority?—It has been altered with the consent of the owner.

1033. That is Major Whitle?—Yes, Colonel Whitle.

1034. Have the alterations been successful?—To some extent they have. That pass was altered under the direction of Mr. Walpole.

1035. And it has been an improvement, you think?—Yes; but I should like to add that, although Colonel Whitle was good enough to consent to the alteration, we were met there by restrictions for fear that the permanent structural part of the weir should be endangered. Inspector Buckland suggested that some diagonal planks should be put on the face of the weir, but the owner stopped us, lest the operation of pinning the planks into the apron of the weir might disturb the masonry; however the board adopted the alterations first suggested.

1036. But not the alterations suggested by Mr. Buckland?—No.

1037. Are the difficulties connected with that weir engineering difficulties, or are they partly legal difficulties and partly engineering?—I should say it is an engineering difficulty in some measure. I do not think if the board had the power and the means to-morrow to make alterations in this weir we could venture upon it with our own staff, but we should require the services of some competent engineer.

1038. Do you think there should be efficient fish-passes or a fish-pass over all those weirs?—That is the unanimous opinion of our board.

1039. Do you think that that can be accomplished under the present powers given by the Acts of 1861 and 1865?—No, certainly not.

1040. How would you raise the needful funds for making any alterations that are considered necessary?—I think under the mortgaging powers, we might borrow money for the purpose of making salmon fish-passes upon our own present income.

1041. The law at present is confined to the power of borrowing money for the purpose of purchasing for removal?—Yes.

1042. You do not propose to apply that principle to the two dams you have mentioned?—I should ask for powers to raise money by mortgage on our income, certainly not for the purchase of weirs, because that would be in our case hopeless; we could not sustain such a charge.

1043. But I mean for the purpose of raising a fund for making a fish-pass?—Yes, I think we spent 120 *l.* at Halton weir; that we paid out of our annual income, and I think that for sums of 150 *l.* to 300 *l.* we might borrow on our income, and pay off gradually.

1044. In conjunction with that power would you ask for compulsory powers to make a proper fish-pass over those dams?—We should ask for compulsory powers, not only to make a proper fish-pass over those dams, but we should ask for compulsory powers to purchase the weirs altogether.

1045. I thought I understood you to say that you would not desire that?—I meant that it would be hopeless to raise money for that purpose by mortgaging our present income, because we could never hope to discharge it; but if Parliament would give us the power to buy the weirs, under the Lands Clauses Act, advance the money and spread the instalments and interest over a period of 30 years, then I think we should be able to deal with the proprietors.

1046. And that you think would be a very desirable power to have conferred on fishery boards?

boards?—Yes; I think it would save a great deal of opposition on the part of weir owners.

1047. If I understand you rightly, you would compensate them fully for any damage which they might sustain by the removal of the dam or any alteration?—Yes.

1048. Then would you seek powers in conjunction with the power of compulsory purchase to levy rates on the riparian proprietors?—No.

1049. Your income at present, you say, is about 300 *l.* a year?—Yes.

1050. Is that income raised altogether by license duties?—It is.

1051. Partially upon net licenses, and partially upon rod and line licenses, I suppose?—Exactly.

1052. Do you know the proportion that you realise from each source?—Yes, I think we realise, from rod licenses, something like 60 *l.* or 70 *l.* out of the 300 *l.* I think, perhaps, hardly one-fourth of our income comes from rods. We obtained power last year from the Home Office to raise our haaf-net license from 2 *l.* to 3 *l.*, and that is a main ingredient in our income; there are 50 or 60 of them.

1053. They fish in the estuary in the public waters, I suppose?—Yes.

1054. Then if you do not find the funds raised in that way sufficient, or if they are too transitory in their character, would you supplement that by taking powers to levy rates on the riparian owners in aid of the license duties?—No; I think there would be a great objection to a rate on the proprietors. I do not think they would object to a kind of annual charge for the purpose of purchasing weirs.

1055. But a rate would be an annual charge sufficiently large, if necessary, to redeem the principal as well as to discharge the current interest?—Yes; it would be something more of the character of a rentcharge for 20 or 30 years.

1056. Raised out of the income?—Yes; in the shape of a charge upon the different lands throughout the whole of the river.

1057. You would have it a charge on the riparian owners as well as on the license duties?—No; I do not propose a rate on the license duties.

1058. Now the license duties are separate, but you may require something in addition to the fund raised by the license duties, because, that being uncertain, in case of a bad season the person who lent the money would expect something else to depend upon?—Yes.

1059. If you had the power to levy a small rate on the riparian owners, do you think there would be any objection to a rate?—I think there would be no necessity for a rate or rentcharge unless we contemplated purchasing the weirs.

1060. I mean in that case?—I think there would be an objection to a rate in that case. I think the landowners who are breeders of salmon up the river would not object to their estates being charged to become owners of the weirs.

1061. If Parliament, in its wisdom, should confer compulsory powers to purchase weirs on Boards of Conservators, would that, in your opinion, enable you at once to arrange with the owner of the Skerton Weir, without the necessity of putting the Lands Clauses Consolidation Act into operation?—Yes. The owner of that weir stated at the board that he would be glad to sell it if we had had any means to raise the money to pay him.

1062. But unless you had a power of that kind, or a power to compel him to put up a fish-pass, you think he would be disinclined to permit you to interfere with his property at all?—Yes; he would no doubt regard it as an interference with his private property, and I think it probable Colonel Whitle would do the same. Those are the only two weirs on the Lune.

1063. Have you in your fishery district felt the necessity of having a code of bye-laws?—Very much indeed. We think that the Boards of Conservators should have the power to make bye-laws, including the regulation of the nets, the close time, and a sliding scale with regard to the license for nets, inasmuch as we should charge the proprietors up the river, or, as we describe them, upper proprietors, so much less for a net license. If a proprietor near the estuary pays 5 *l.* for a license, we think that the upper proprietor, who only sees a salmon every now and then, should not be compelled to pay as much for his license. Then, with regard to the use of certain instruments, the gaff for instance, we think that the gaff should not be used until after June, when the clean fish are in our river. No person rodding should carry a gaff at all, for this reason: if he gaffs an unclean fish, it ought to be returned to the water immediately, under the Salmon Act, 1861; but the very act of gaffing kills the fish nine times out of ten. We think that powers of that kind might be left to the Board of Conservators, having regard to the circumstances of the locality, and so on.

1064. Would you ask that those powers should be conferred on Boards of Conservators absolutely and unconditionally, or should they be subject to the approval and sanction of some controlling authority, such as the Home Office or the Board of Trade?—We think the Home Office should be the controlling authority.

1065. You think that the power should not be unconditionally vested in Boards of Conservators?—No, certainly not.

1066. Have you at all considered whether or not the best controlling power would be a central authority in London, such as the Home Office, or whether it would be desirable to confer that power on Courts of Quarter Sessions with regard to the confirmation of bye-laws; suppose your Board of Conservators have agreed upon a bye-law for regulating license duties, making a larger license duty in tidal waters, and a smaller as you ascend the river, do you think that that should be subject to the approval of a central authority in London, or of some local authority, such as the Court of Quarter Sessions?—We think that the Home Office should be the central authority.

1067. You mentioned another subject connected with the license duties: namely, with regard to the mode of using the nets and the number of the nets; would you also extend that to the length of the nets; have you any complaint to make with regard to the length of the nets in your estuary?—Yes; we think we should have the power of limiting the length of the net. I do not know that we have anything seriously to complain of on that score, but we think that these matters should all be left to the Board of Conservators.

1068. Subject, of course, to the sanction of the Home Office?—Subject to the sanction of the Home Office, and that sanction not to be asked until a certain notice has been given.

1069. With regard to the purchase of mill dams in the way you have mentioned, would you

Mr. *E. M. Fenwick.*

25 March 1870.

vest that power in your Board of Conservators, when they saw their way to raising the needful funds, or would you have that placed under some central sanction?—I think that the negotiations only as to the purchase of weirs should be carried on by Boards of Conservators.

1070. But I am now assuming that you have compulsory powers conferred upon you in some way, do you think that those are powers which might safely be entrusted to Boards of Conservators alone, or do you think that they should be subject to some control?—I should say that they ought to be subject to some control on the part of the Home Office.

1071. It has been suggested to the Committee that, in the first place there should be an application by the Board of Conservators to some central authority, and then a certificate should be granted in much the same way as that in which powers are now conferred on local boards for purchasing land for widening streets and other purposes of that kind; and that those provisional certificates should be submitted to Parliament before they came into operation; do you think that plan would work satisfactorily?—Yes, I think so. I do not think that Boards of Conservators are at all competent to undertake the whole discharge of that kind of duty.

1072. Have you at all in your district felt any necessity for having a tribunal to settle various questions that arise connected with fisheries?—Yes, we feel that there should be some tribunal to which we could constantly refer when difficulties arose in carrying out the Acts of Parliament. I will illustrate that by speaking of fixed engines. We have several fixed engines in Morecambe Bay, and the Boards of Conservators are powerless with regard to those fixed engines; they invite the Special Commissioners to come down and adjudicate upon them, but I fear that the Special Commissioners have very little power.

1073. Have the Special Commissioners visited your district at all?—Yes.

1074. They have held inquiries in your district?—Yes, they have; they have adjudicated upon one extensive fixed engine or balk in our district; the Cockerham balk belonging to the Lords of Cockerham.

1075. Was that recently?—About four or five years ago; but they have recently sat upon some other balks in our district.

1076. Have they pronounced judgment in any recent cases?—I must take what they have done as giving judgment; they have exercised what power they have.

1077. They held a court at Lancaster, I suppose?—Yes.

1078. And delivered judgments upon the cases that came before them?—Yes.

1079. Were there many cases before them?—I think there were about half-a-dozen cases brought before them.

1080. Have their judgments been acquiesced in?—Yes, the parties have acquiesced in their judgment.

1081. They have not appealed?—No, they have not appealed.

1082. Perhaps the Commissioners decided that all the engines they inquired into were illegal?—They seem to have decided that they had very little practical control over them.

1083. But did they decide that the engines were legal?—Yes.

1084. From your experience as chairman of the Lune Fishery Board, do you think that the Special Commissioners require an extension of power?—Clearly; I think that they require an extension of power.

1085. Will you explain to the Committee why you think that is necessary?—Inasmuch as the sections in the Act of Parliament limit their jurisdiction very materially.

1086. And very prejudicially, you think?—Very prejudicially, I think.

1087. Now, with regard to the question of the annual close time, are you satisfied with the present annual close time in your district?—Yes; I do not know that we have anything to say with regard to the annual close time.

1088. Then, with regard to the weekly close time, have you anything to say about it?—We think that is a question that might be left to the Board of Conservators to determine whether it should be extended to Tuesday.

1089. That is to say, from Saturday to Tuesday?—From Saturday to Tuesday in very dry seasons. We should wish to have a little discretion.

1090. As a rule, are you satisfied with the present close time?—We are satisfied, as a rule.

1091. But in exceptional cases you think that Boards of Conservators should have power to vary the close time?—I think that in exceptional cases they should have that power.

1092. How would you exercise that power, supposing it were conferred on you?—By directing our water bailiffs to see to the matter.

1093. But in dry seasons, and so on, would it not be too late then to make any change in your regulations?—I think we should probably limit the opportunity for taking fish in a very dry season. We are affected very much by dry seasons in the Lune.

1094. You have sudden floods, and then long periods of drought?—Sudden floods, followed by long periods of drought. The two last years, I should add, have been rather unfavourable for the fish.

1095. To return to the question of mill dams for a moment; where an owner of a mill dam objects to making a fish-pass, do you think that there should be absolute power conferred on Boards of Conservators to make one at their own cost in every case?—I think, unless the law is very materially altered, the Boards of Conservators should make fish-passes.

1096. But would you give Boards of Conservators absolute powers to make a fish-pass in every case where a dam exists?—Yes; in every case where the owners objected to make it.

1097. And where the owners are willing, you think the board should do it and bear the cost?—Yes; but I do not think that Boards of Conservators could make it themselves; it must be on the report of the inspectors, or some officers of the Home Office.

1098. Do you think that the fisheries in your district suffer at all from the want of gratings to mill races?—Yes; we think them very necessary.

1099. Would you seek power to compel the placing of gratings at head races and tail races?—Yes; both at head and tail races.

1100. That is to say, by using the gratings at the head race when the kelts were descending the river, and at the tail race when the fish were ascending to spawn?—Yes.

1101. You would ask Parliament to grant compulsory

compulsory powers to have those gratings placed in every case?—Yes, we think that essential.

1102. You think that could be done, generally speaking, without injury to the mill in any way?—Mr. Garnett, at Skerton Weir, said that he should have no objection to our putting them up, but his tenant objected.

1103. Why did he object?—He said that it would draw the wreck and stuff from the river, and raised objections; the owner adopted his tenant's objections, and the matter fell to the ground.

1104. Is there much fish taken in the pools immediately below the two dams you have mentioned, namely, Skerton and Halton?—Mr. Garnett's tenant does not fish within 50 yards of the dam as the present law stands; but we venture to suggest to the Committee that 50 yards should be extended to 100 yards, and within 100 yards no fishing or netting of any kind should take place, not even the use of a trout net, because we submit that a person might put down a trout net and drive the salmon beyond the limit of 100 yards, where they might easily be taken lawfully with a salmon net.

1105. Do you think that under the pretence of fishing for trout sometimes there is a good deal of fishing for young salmon?—Yes.

1106. Would you extend the law so as to protect the trout as well as the salmon?—Yes. I would also suggest that trout nets should be subject to a license duty; netting for trout offers an opportunity for poaching. Salmon-mort and young salmon are taken by trout nets.

1107. You would require a license duty for them, as in the case of a salmon license?—Yes, a smaller duty probably, but still a duty.

1108. Such a duty as the Board of Conservators with the sanction of the central authority thought reasonable?—Yes.

1109. But a duty of some kind?—A duty of some kind.

1110. Now, with regard to the mesh of the nets used in salmon fishing, do you think it should be varied at all, or are you satisfied with the present regulation, which is that the mesh shall be two inches from knot to knot?—We are satisfied with the existing salmon net. We should ask leave to define distinctly the mesh of any net used for catching trout.

1111. Is that on the ground that a trout net is very frequently used for destroying salmon?—We believe so.

1112. This Committee have determined not to go into the general question of pollution of rivers, because there is a Royal Commission inquiring into the whole matter; but I will ask you one question, and that is, whether you think that the subject of pollution of rivers requires the immediate attention of Parliament?—Yes, we do think so.

1113. What are the pollutions that you principally suffer from in your district?—We scarcely suffer at all at present, because in two or three instances our representations made to the parties offending, who have shown readiness to adopt our suggestions, have been complied with; but we think that is a matter that should be fully inquired into. The present Act of Parliament is not very distinct with regard to the power given to Boards of Conservators.

1114. There is no penalty imposed, is there?—No, there is no penalty imposed.

1115. Do you think that there should be a penalty for allowing any poisonous matter to flow into any salmon river?—We think there should be a penalty for allowing poisonous matter to flow into any salmon river.

1116. In suggesting the various powers which you have spoken of, you have mentioned a central authority from time to time; have you at all contemplated the possibility of an economical House of Commons refusing to spend any money for the benefit of you gentlemen on the Lune?—I have; my reason is, that I saw it stated somewhere that Parliament contemplated reducing the number of officers in connection with the Salmon Fisheries. In that case, regarding a legal mind as absolutely necessary in the constitution of any tribunal, and as the inspectors are at this moment conversant with all the details of different weirs, as travelling inspectors, and having local knowledge, I think, supposing Parliament were not disposed to continue the present staff, they might sit as assessors with the chairman of the present commissioners, making the board somewhat analogous to the case of Brethren of the Trinity House sitting with one of the police magistrates.

1117. But I fear that you have not appreciated the full extent of the economy that might possibly be contemplated by Parliament; supposing the possibility of Parliament declining to incur any expense on account of the salmon fisheries, on the ground, for instance, that you gentlemen of the Lune district should take care of your own interest, then you would be deprived of any central authority, who should control the power that you think should be conferred on the Boards of Conservators; to put the case differently, you have suggested that Boards of Conservators should have considerable power on a variety of points, subject to the control of any central authority; supposing Parliament should say, we will not incur any expense about it, would you still ask that those powers should be conferred absolutely on Boards of Conservators?—No; I do not think that Boards of Conservators, unless they have the means supplied to them, with the sanction of the Home Office, should have any further powers, except the mere making of bye-laws; I do not think the execution of very onerous duties would assist us in any way; I believe it would rather encumber us.

1118. But the power of making bye-laws is a very important one, is it not?—That would extend rather to matters of detail, but not to undertake anything like the purchase of weirs; that is rather an important proceeding, and we have no capability within ourselves, and no machinery to carry out anything of that kind.

1119. In the answer which you made to the inspectors in 1869, I see you suggest that the Special Commissioners for English Fisheries should have the power of controlling and supervising ordinary mill-dams; do you concur in that opinion now?—Yes; I thought at first that your question was pointing to economy in the reduction of the staff.

1120. Is there anything which you wish to add to your evidence?—Upon the subject of water bailiffs I do not think it would be desirable to press for any further powers of going upon private lands. I think we should draw down a great deal of opposition from landowners who would object, and I think somewhat reasonably. Many of their woods follow the river, and our watchers are the best men we can get under the circumstances.

Mr. *E. M. Fenwick.*

25 March 1870.

Landowners dislike their game preserves being passed over, and our men making footpaths that might be construed into public footpaths at some time or other. At present, by conciliation, they are disposed to let our men pass through their land, but I think they would object very strenuously to anything like compulsory powers being conferred upon us. I think that the power also given to conservators to go upon land for 24 hours might be extended to seven days where we have reasonable ground to suppose that poaching is carried on.

1121. That is to say on obtaining a warrant from a magistrate?—Yes, on obtaining a warrant from a magistrate.

1122. It has been suggested that that power should be extended to a month, but you think that seven days should be the limit?—Yes, I think seven days should be the limit; that is only in special cases. There is another point that occurs to me, I think it would be well that there should be a minimum as well as a maximum penalty for offences under the Salmon Fisheries Act.

1123. In cases of first offence, you mean, I suppose?—Yes; I think that would reconcile the present irreconcileable judgments of different benches; one bench will fine a man 10 *s.* and costs, and another, perhaps 2 *l.* 10 *s.*; whereas another will impose a fine of 5 *l.* I think it would be well to make 2 *l.* or 3 *l.* the minimum penalty in such cases.

1124. With regard to that point, I might ask you if you have heard any objection to magistrates who are members of fishery boards, acting in fishery cases?—No.

1125. I have no doubt you will remember that there is a provision that no one shall act in a case where he is personally interested?—Quite so, personally interested; but I have never heard of any objection as to the general practice.

1126. With regard to the mode of forming fishery boards; have you heard any objection to the mode in which they are constituted at the present time, that is to say, has any objection been made to the way in which your board is constituted?—One correspondent wrote to me on the subject; he complained of the way in which we had elected our members.

1127. Was that one correspondent some gentleman who thought that he should have been on the board?—Very probably.

1128. I suppose his objection was a personal one; it was not with regard to the machinery of the board, or to the way in which the justices exercised their power?—It was not with regard to the exercise of our power; I am sorry to say, however, that we find it a difficult matter to get regular attendances on our board; we have 50 ex-official members, and we very rarely see one of them. The riparian owners being magistrates, do not trouble themselves to come down, and it is therefore a very difficult matter to get regular attendance except from conservators who are appointed in an open manner annually at the board, appointments ratified afterwards by Quarter Sessions.

1129. With the exception of that one complaint, you have not heard, as I gather from your evidence, any complaint with regard to the mode in which your board is constituted?—I have heard a suggestion that the licensees should have a vote at the board, but that would, I think, be regarded as an interference with the rights of private property by the riparian owners.

1130. Have you had that complaint made?—No; but I have seen a suggestion of that kind in the papers.

1131. Connected with your own district, do you mean?—No, not in my own district.

1132. Then I will ask you again whether in connection with your own district you have heard any complaint with regard to the mode in which your board is constituted?—No.

1133. And therefore, of course, no suggestion with regard to any improvement or alteration in the constitution of your board?—No, I have none to make; we are glad to get any gentlemen who will come and serve upon the board.

1134. Mr. *Knatchbull-Hugessen.*] You have stated that you have had no complaints with regard to the constitution of your board at present, but you say that the attendance is not good, and that it is difficult to get people to work the board?—It is so.

1135. Do you think that if the board was elected by a constituency formed out of proprietors and license-holders that a better attendance would be secured, and that greater activity would prevail?—I really do not think so.

1136. Do you think that if greater powers were entrusted to Boards of Conservators people would be more desirous to serve on such boards?—It might have that effect. If, in other words, greater importance were given to the Boards of Conservators it might induce some of the county gentlemen to take more interest, but the ex-official members can come down whenever they like.

1137. But supposing there was no such thing as *ex-officio* membership, and if the boards were elected, and at the same time greater powers, and especially the power of making bye-laws, were conferred on them, do you think that probably greater interest would be taken, and that the boards might he made more efficient?—Yes, if you strike off the *ex-officio* membership, I entirely concur; I think that gentlemen would then desire the appointment, and that they would come down and apply themselves to the work.

1138. How many gentlemen are there on your board?—We have 12 for Lancashire, four for Yorkshire, and four for Westmoreland. Those are the counties that the district extends to, and as vacancies occur, the board do their best to invite new members to come in and give a helping hand. We have asked anybody who could assist us to join our board.

1139. Mr. *Herbert.*] Do you mean to say that none of your *ex-officio* members attend at all?—Very rarely; they may attend on the occasion of the appointment of a chairman, or something of that kind.

1140. When there is a kind of a job going to be done?—I can't say that the ex-official members come down and take a little interest in it, because it is generally offered to one of their own body or some proprietor.

1141. Do you know anything of the way in which Boards of Conservators are constituted in Ireland?—No.

1142. There I believe the *ex-officio* members are more attentive than the elective members of the board?—That may arise possibly from the fisheries being much more valuable. The truth is that our squires who are *ex-officio* members look upon the Salmon Act as so inefficient that unless you can show them some good hope of making their property more valuable, they hardly think it worth while to speak twice on the subject.

1143. In

1143. In other words: if you were to make a new Act, by which the upper proprietors would get a portion of the fish, you think that the *ex-officio* members would take as much interest in the subject as the elected men?—Most certainly.

1144. Then you cannot quite say that the *ex-officio* members do not work on the board on account of the position in which they are; it is rather on account of the little value the fisheries are to them, that they are not punctual in their attendance at the board?—Yes.

1145. Suppose you made, by a new Act, provisions by which the fish would be enabled to get up the river, I gather from your evidence that you think the present system would work well?—I think that we should have a better attendance at the board from the *ex-officio* members than we have now; they really are the owners of the fisheries, as the Act of Parliament implies.

1146. Mr. *Staveley Hill.*] The Skerton Weir is a barrel weir, with a long lip, is it not?—Yes.

1147. Reaching across the stream, there being three or four streams there?—Yes; it is all on the main stream, in which the fish congregate.

1148. That Skerton Weir was originally worked as a fishing mill-dam, with a cruive in it?—Yes.

1149. But they do not now catch the fish in the cruive, but in the pool immediately below the dam?—I believe so; but not within 50 yards.

1150. There is only a fish pass over one of those streams, and there is none over the other streams?—Exactly. The fish pass is over that stream where it was supposed at the time the fish came, and where the main body of the fish come at this moment.

1151. That fish pass is wholly inefficient, is it not?—Yes, we think so. Mr. Walpole suggested that the stocks should be removed, and they were removed; but it is still inefficient.

1152. I have seen a man standing in the driest part there while the water has been running over the rest of the dam; is not that a probable occurrence?—The water descends a great deal by leakage instead of rising to the crest or lip of the weir.

1153. Is it not the fact that there have been very heavy catches of fish in the pools below the dam?—Yes, in times past.

1154. But I mean within the last two or three years?—Yes; the accounts have been exaggerated sometimes, but a great quantity have been taken.

1155. Have there been as many as 100 salmon caught in 24 hours in the year 1868?—I have heard that they took one day 50 salmon, but I should hardly like to pledge myself to the number. With regard to the Halton Weir, which is two miles above the Skerton Weir, that is prevented from being a good fishery by the Skerton Weir below it, is it not?—Of course the Skerton Weir is the hall door, and the fish not being able to pass through it, the owner of Halton gets a qualified supply; but still his weir again presents another obstruction.

1156. That is a comparatively low weir, is it not?—Yes.

1157. And there has been a very fair pass put in it within the last two years, has there not?—Yes, I think it is a good pass; I have seen the fish passing over it.

1158. Is it not the fact that at the Skerton Weir you may see the fish continually hitting their noses against the ledge at the top, and tumbling back again?—I am told a good many gravid fish go back to sea, and their spawn is destroyed because they cannot get into the upper waters.

1159. Now, with regard to the water going over the weir; except in very dry seasons there would be plenty of water to supply the mill if it were properly economised, if the water did not run under the dam as well as over it?—I think that that leakage should be looked to at once, at some one's cost.

1160. You are of opinion that the dam does not husband the water as much as it might?—I think that more water might be impounded by the dam, if the leakage were looked to.

1161. I believe that this dam has been the creation of the last 200 or 300 years; it was a wattled weir, a hay fishery, was it not?—Yes.

1162. Have we not an old map to show that that weir has been gradually built up; Mr. Telford, the engineer, built a part of it, and I believe it has grown to be what it is within the last 70 or 80 years?—It was formerly a bush weir; I am not sure as to Mr. Telford.

1163. It was held, in the case of Rolle and Whyte, that you could not go into the question beyond 40 years back?—Yes.

1164. During all this time, you say that rod fishing has gone on, has it declined or increased up that river?—I think that the rod fishing up the river has remained stationary; but I should say that the two dry seasons which we have had, have had something to do with it. In ordinary floods we do get salmon over the weir, but last year we were a long time without rain; it is true we had rain, but not enough to make a great flow of water over the weir.

1165. The spring high tides rise over the Skerton Weir, do they not?—Yes.

1166. When the tide and the flood come together, you get a run up the river?—Yes, and that is very evident, because the fish are jumping about in the upper waters; it is well known directly, and we begin to rod for the fish; nobody attempts to rod for the fish in the upper water during the dry season.

1167. I gather from your evidence, that you think the water bailiff's powers are enough at present?—Yes; I think it would be a great pity to stir up animosity and opposition from the landed proprietors; I have been pretty constant in my attendance at the board, and I know how difficult it is to work it, unless the fishery proprietors are with us in a measure.

1168. What watchers have you on the Lune at this moment?—There are three or four, I think; but in the season, sometimes we have at Skerton Weir a great deal of poaching going on; of course the poachers direct their attention to the focus where the salmon are found in numbers; sometimes we have night watchers, and we also send extra men occasionally to watch the fish, and they are worn out almost in looking after them.

1169. It is easy enough to jag the fish as it lies below the weir, is it not?—Yes, anywhere; they are very daring.

1170. You think that giving greater powers to the watchers would create a jealousy on the part of the proprietors?—Yes.

1171. Are there any proprietors up the river, such as yourself and Mr. Foster, for instance, who have offered any opposition to the watchers going over their land?—Mr. Wilson has very large property there, but he gave us permission; but Mr. Moore objected at first; he is a great

Mr. *E. M. Fenwick.*

25 March 1870.

game preserver, he has given us permission now; but I think they would object strenuously if they thought that we sought compulsory powers to go over their land.

1172. Mr. *Lowther.*] Do you know what the expense would be of stopping this leakage at the Skerton Weir?—No, I really cannot say. I have spoken to Mr. Garnet about it sometimes, and he has told me that it is a most costly work, and that some little repairs exceeded 100 *l.*; just driving in some piles, or spiles as we call them.

1173. Is the Lune an early or a late river?—It is a late river.

1174. Do you care to have any extension of time in it?—No; I think we are satisfied at present. That is not made a point of by our board, except with respect to the weekly close time, which I have already stated.

1175. Now with regard to the gratings in those mill races, would you propose to have them removeable?—Our board think that they should be compulsory.

1176. You mean that they should be always there, but not always kept down?—Just so; but there are no gratings at this moment.

1177. I suppose you would put gratings at the top and at the foot of the races?—Yes.

1178. Why do you think that there should be a grating at the top of the race?—Because we think that the spent fish would get away over the weir in flood tides, and so avoid the mill wheel.

1179. And you want the gratings at the bottom of the weir to prevent the fish going up, I suppose?—Yes, to prevent them going up. Of course the salmon will make for the current.

1180. And they would spawn there, would they not?—I do not know that they would spawn in the mill race; but they would stand a chance of being captured. Poachers have plenty of opportunities of killing the fish when they are passing up the mill race.

1181. Is it not the fact that the fish sometimes go up into the mill races to spawn; the water is turned off, and that they are then left there high and dry?—I have not heard of those cases, but the watchers tell me that the fish are in jeopardy in the mill race.

1182. Do you know of any instances of the salmon being killed under the wheels by the miller?—No, not by the miller; but we believe such things are done by poachers.

1183. You think that those gratings should be moveable?—Yes, I think they should be moveable.

1184. But a grating at the head of the mill race would have a great effect on the flow of the water to the mill, would it not?—The objection which I have heard to a grating at the mill race was that the wreck of the river would stop against it.

1185. But, irrespective of the wreck, would there not be a diminution in the force of the water upon the wheel?—Not very materially, I think, from an iron grating.

1186. Did I understand you to say that you would give the Special Commissioners more power than they at present possess?—Yes, certainly.

1187. Did you state in what way you would give them more power?—If Parliament gives Boards of Conservators additional authority, I think there would be many little questions arise in which it would be absolutely necessary to have a tribunal to refer to, who would come down to the spot at once to adjudicate.

1188. Do you think that we have not tribunals enough without the Special Commissioners?—My observations just now pointed to making the inspectors sit as assessors with the chairman, because I thought that would probably reduce the number of tribunals.

1189. You could not do without the inspectors, could you?—The inspectors appear to me to be gentlemen who come down to examine the river and obtain all the local knowledge and information with regard to the fisheries. We have the pleasure of seeing both Mr. Walpole and Professor Buckland, who know these weirs, and can speak of them, and if they did not come you must have the Commissioners coming from time to time to superintend the alterations, and so on.

1190. With regard to complaints against the board; you are chairman of the board, are you not?—Yes.

1191. Do you think that you would hear of the complaints if there were any, or do you think that people might not like to say disagreeable things to you as chairman?—We invite everybody to attend our meetings, and for that purpose the meetings are alternate between Kirkby Lonsdale, 16 miles up the river, and Lancaster, which is close to the estuary; we sit monthly, so that we hear the sentiments of the upper proprietor and the lower proprietor also.

1192. You meet once a month, you say?—Yes, we meet once a month; that arrangement was made on purpose to combine, if possible, the views and wishes of the different proprietors, and any one may attend our Board meetings.

1193. Mr. *Hambro.*] You have stated that you thought it was not a good thing to give the water bailiffs increased powers?—Yes.

1194. What would you do in case where a large landed proprietor whose frontage extended for a long distance in front of the river, entirely denied access to any officer connected with the river?—That would be certainly an awkward case; but even in such a case I would try to conciliate him, and ask him as a favour, rather than take a hostile attitude towards him.

1195. It has been suggested that a great deal might be done by persuasion; have you, in your experience, found people very amenable to persuasion?—I do not think that proprietors, as a rule, like parting with the authority over their own lands, but we have found them amenable to persuasion; some of them have said that they should object, but they have generally given way in the end.

1196. Do you think it is essential to the interest of the salmon fisheries that there should be a central authority, and that he should be a minister responsible to the Crown?—That would depend very much on the extent of the authority conferred on Boards of Conservators; I do not think that we are capable of wielding very much power; matters of detail we could arrange by bye-laws, but even in that case I would submit them with fair notice to the Home Office.

1197. Would you recommend that there should be such permanent officers as Inspectors of Salmon Fisheries under the Home Office?—I think if you do not have the present Inspectors of Salmon Fisheries, you must have some other officers armed with authority, to come down and report; supposing a weir to-morrow wants some alteration, we have no machinery in the Board of Conservators; we have no engineer, and no funds; and we must ask the Home Office to send somebody down.

1198. Then you think that the present arrangement,

ment, as far as the inspectors are concerned, answers very well?—Yes.

1199. What, in your opinion, would be the effect if the Inspectors of Salmon Fisheries were done away with; do you think that would be to the advantage or disadvantage of the salmon fisheries?—I think it would be greatly to their disadvantage.

1200. You say that you find very few conservators attend your meetings?—Yes.

1201. I suppose you have had considerable experience in county business; do you not find that it is exactly the same with every other kind of county business in which the attendance of members is optional, and where there is no particular interest to attract a man to a meeting?—I think I must do Lancashire the justice to say that does not occur in the case of the quarter sessions and the various asylums, gaols, and so on; the county justices, generally speaking, attend public boards very well indeed.

1202. You do not find millers or men of that class on your board, attend the meetings very much, do you?—No; we have done all we could to invite everybody when we are about to submit new names of conservators; we solicit any one we think of.

1203. Do you think that your business is at all injured by having only a few men in attendance at your board meetings; you carry out your business very well, I suppose?—I hope we do. I merely stated that in answer to questions with regard to complaints of the constitution of the board. I think that the board manages to get through its work very well.

1204. Is it not rather to the advantage of the salmon fisheries that a great many men do not attend to it?—I should like to see owners and proprietors, and ex-official members, come a little oftener.

1205. But what inducement can you offer them; they know that the thing is well managed in your hands, and they are satisfied?—I think if we were to give them a greater interest in their property they would come, I think, if their fisheries became more valuable.

1206. Mr. *Assheton.*] I suppose you look upon the inspectors as being a kind of eyes of the Home Office?—Very much so; they are the only eyes that we have had in that sense since the Act was launched; they are the only gentlemen we have had to deal with in that capacity whenever we have had to invite them to look at the weirs.

1207. If they were ruthlessly swept away, the Home Office would not know what you were doing in the Lune?—In that case, I suppose, the Home Office would empower the Special Commissioners or some one to come and hear our grievances.

1208. Do you think that the Special Commissioners would have time to attend to every river for the comparatively minor matters as well as the more important matters which the inspectors now attend to?—No, I do not think that they would be the best tribunal; but, assuming that the inspectors were withdrawn, I presume the Home Office would find officers of some kind to come down, some such Commissioner as with the Poor Law Board inquiries, and so on.

1209. You were speaking of the upper proprietors not objecting to being rated; I understood you to say that you thought they would not object?—I rather said that I thought they would object to a rate, but I thought the Chairman meant rating from time to time as ordinary rates are levied; but I said if it was a question of purchasing the weirs that the upper proprietors, I thought, would not object to having their estates charged in the same manner as the Drainage Commissioners advance money, and charge the estates until the capital and interest are repaid; but you can hardly call those rates.

1210. You did not contemplate rating the upper proprietors from year to year as property is rated for the relief of the poor?—No; I did not contemplate that; I thought the question of the Chairman referred to the purchasing of weirs.

1211. There is one difficulty which has been suggested with regard to both those methods of raising money, both those sorts of rating, if I may say so: namely, that if you raise the money by rates, and expend it for the benefit of the fishery districts, you would be spending the money of the owners of several fisheries for the benefit, not only of themselves, but also of the fishermen in public waters. Does that strike you as an objection to the method of raising money by rates?—No; I really have not considered that point; I do not know how that would apply in our case. But I may say, that when a proposition was made among our upper proprietors with regard to whether they would contribute towards a fund for purchasing the Skerton Weir, the late Mr. Wilson who had large estates, and other proprietors, were willing to contribute sums of 1,000 *l.* and 500 *l.* each. Would all the other proprietors give in proportion? For 6,000 *l.* or 7,000 *l.*, we could have bought Skerton Weir.

1212. Should you not by so doing benefit the public and haaf-net fishers very much?—Yes, we might, but we could raise the price of our licenses and increase our income in that way if we found that they were getting a rich harvest. We have already raised the price of our haaf-net licenses from 2 *l.* to 3 *l.*, and of course we could come to the Home Office, and ask permission (taking things as they are) to raise it to 5 *l.*

1213. That is now the maximum, is it not?—That is now the maximum. Hearing that they had been doing very well, we asked leave to charge them another 1 *l.*, which they paid willingly.

1214. You said that you thought it desirable to have some power which does not at present exist to graduate the license on the same description of nets, whether used in different portions of a river or not?—Yes.

1215. Have you met with the difficulty in the Lune which we have met with elsewhere, that 5 *l.* is a very inadequate sum for a draft net at the mouth of a river?—Yes; I should say that the upper proprietors may be a long way from the estuary, say 15 miles up the river; they declaim very much, and contend that 5 *l.* is not enough for those who are near the estuary; they say in the new scale of licenses regard ought to be had to the distance from the great supply of fish.

1216. But do you agree with me in thinking that 5 *l.* is too little for a maximum?—Yes; we are quite of that opinion, and we think that that is a mistake.

1217. Have you formed any opinion with regard to what you would like to see put into a new Act as the maximum for draft nets?—No; we thought that might be left to Boards of Conservators, who are really the judges, generally speaking,

Mr. E. M. Fenwick.

25 March 1870.

speaking, of the value of the salmon, and the distance from the estuary.

1218. I daresay you saw the Bill which was introduced into Parliament last Session on the subject of salmon fisheries?—Yes.

1219. Are you aware that, as to bye-laws in that Bill, powers were given to Boards of Conservators, under certain restrictions, to graduate the scale of licenses, but that the Bill tied them down to the maximum sum named in the Act of 1865?—Yes.

1220. And therefore, if that Bill had become law, it would have tied the Boards of Conservators down to 5 *l.* for those draft nets?—Yes.

1221. I understand you to say that you think distinctly it is not desirable that they should be tied down to 5 *l.* for draft nets?—Certainly not.

1222. You think it is desirable that the Boards of Conservators should be allowed to go as much above 5 *l.* as, in their discretion, with proper sanction, they think desirable?—Certainly; it is in our discretion, subject to the sanction of the Home Office. When we are applied to for a general license to cover a certain extent of fishing, we fix the amount, generally speaking, at 10 *l.*, and get it paid.

1223. A general license hardly covers the ground I am thinking of; general licenses are invariably granted to people not living at the mouth of a river, are they not?—Just so; but in some cases they seldom fish in the estuary.

1224. About the gratings in the mill races, and the wreck which you mentioned; have you ever seen mill races in which gratings had been put down for the express purpose of catching or stopping that wreck, and preventing its going over the mill race?—No, I cannot say that I have; we have only those two weirs on the Lune to which our attention has been directed.

1225. Mr. *Herbert.*] What happens to the nets that you take from a poacher in your part of the country, after a man has been convicted?—I think that the magistrates generally order them to be destroyed or kept by the police.

1226. That is the general practice, is it?—Yes; the police generally take charge of them.

1227. They are not put up to auction, I suppose?—Certainly not; we have not had many cases of that kind, but the nets are generally destroyed, or kept by the police.

1228. Mr. *Lowther.*] Is there any audit of the accounts of your Board of Conservators by the inspectors?—No, not by the inspectors; the audit directed under the Act of Parliament is a county audit, the audit of the county sessions; and that means submitting the accounts, in the first instance, to the county auditor, then the chairman of quarter sessions each year. His is almost a ministerial act; he merely signs the accounts.

1229. Who is the county auditor for Lancashire?—Mr. Johnston.

1230. Do those accounts become public?—They are open to the inspection of anyone who likes to examine them; they are laid before the board.

1231. Are they published with the reports?—Not a detailed account; we give the particulars generally at one of our meetings.

1232. Mr. *Assheton.*] Are you aware that the magistrates in quarter sessions, before passing the accounts, appoint two of their number to audit them, as a matter of form?—I am not aware of that. I can only say that the practice is just what I have mentioned in my county where there is a paid county auditor.

1233. *Chairman.*] But are you not aware that a small committee of the justices does perform the audit in such cases?—No; it is not the case with us in Lancashire.

1234. I suppose you do not see any objection to the accounts of Boards of Conservators being published?—Not the least objection; that is a subject which I have pressed on the board very much.

1235. I have asked you some questions with regard to the constitution of your board; but I intended in those questions to direct your attention to the general question, whether Boards of Conservators should be appointed as they are now, or whether they should be elective in their character; it has been suggested to this Committee, that Boards of Conservators should be elected by persons who are interested in the river, the riparian owners sending a certain number of representatives, the owners of several fisheries a certain number of representatives, and the fishermen fishing in the public waters a certain number of representatives; have you at all seen the necessity in your own district for any change of that kind?—No, I really cannot say that I have; but I do not see any objection to it.

1236. You see no objection to it; but at the same time you see no necessity for it?—No, I think not.

1237. Has there been any suggestion in your own neighbourhood that the elective principle should be applied to the Boards of Conservators?—Nothing but what I have had heard cursorily, and which I have already stated.

1238. But that had no reference to the board being made elective, instead of being appointed by the magistrates in quarter sessions, had it?—They are not appointed by magistrates in quarter sessions; the appointments are ratified and approved there. Suppose a vacancy occurred in the chairmanship to-morrow, notice is given, and then the conservators attend, and the county magistrates also who are ex-official would come down and attend, and all vote together. That is the practice, and I think that the honourable Member for Kendal knows it well.

1239. You have been asked whether the supply of water to a mill would not be diminished by placing a grating at the head of the race leading to the mill; might not that diminution be compensated for by making the head of the race where the grating was placed a little wider, so as to compensate for the obstruction occasioned by the grating?—Yes, that might be so, certainly.

1240. So that no practical diminution of water would take place?—That is not a matter upon which I can speak with anything like authority before the Committee, because it is not a point which I have noticed very much.

1241. You have stated that the members of your board do not attend very regularly, because they have not sufficient interest in the matter; does that arise from the circumstance, and in consequence of those dams being in the lower part of the river, so that the fish do not ascend in sufficient numbers to induce the upper proprietors to take the trouble to protect them?—Yes.

1242. I suppose they think that they would be taking the trouble to attend about a matter which did not very much interest them?—Yes.

1243. But might not that state of things disappear if the dams disappeared, and the fish came up in greater numbers?—Yes, I think that would be a great inducement to the county gentlemen to take more interest in these questions.

Tuesday, 29th March 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knight.
Mr. Assheton.	Mr. Liddell.
Mr. Dodds.	Mr. William Lowther.
Colonel Edwardes.	Mr. Pease.
Mr. Herbert.	Earl Percy.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.

MR. JOSEPH DODDS, IN THE CHAIR.

COLONEL GEORGE MORLAND HUTTON, called in; and Examined.

Col. *G. M. Hutton.*

29 March 1870.

1244. *Chairman.*] ARE you Secretary to the Trent Fishery District?—I am.

1245. Will you kindly point out to the Committee, on the Map, the Trent Fishery District?—I will do so (*tracing the outline upon the Map*). The black line shows the portion of the sea-coast, which is included in it; then we come up the Humber to the Trent, and then up the Trent until you get to Newark, where there is a formidable obstruction, and then to Nottingham. When we get nearer Derby, the Derwent comes in and joins the Trent rather above Trent junction. Then the river runs in this direction (*referring to the Map*), till we get above a place called Donnington, where there is a very large weir near to the Marquis of Hastings' property. Above that the Trent goes on till you get here (*referring to the Map*), and then the Blyth runs up and the Tame joins it about the same place, and so on up to Rugeley, and some distance higher. It goes by Beaudesert and so on, near to Stafford.

1246. Your district is a very extensive one, is it not?—It is very nearly the largest in England.

1247. Do you know the extent of the watershed of your river?—Yes, it is about 3,543 square miles.

1248. Notwithstanding that large extent of district, I observe that your income is very small?—Our income is very small, only 70 *l.* a year.

1249. How long is it since this district was formed?—It was formed in the year 1866. At least, there was an Association established in the year 1865, but the Fishery Board proper was formed in 1866.

1250. I see from a return which you made to the inspectors for the Eighth Annual Report that in the year 1868, you merely issued 13 draft net licenses, which amounted to 65 *l.*; seven stand or bow-net licenses at 1 *l.* each; and five rod licenses at 10 *s.* each?—Yes.

1251. What was the number issued last year?—There was one more stand or bow-net license, and one less draft-net license, issued last year, I think.

1252. Your income in 1867 was 53 *l.*, was it not?—Yes

1253. In 1868 it was 74 *l.* 10 *s.*?—Yes.

1254. And in 1869 it was 70 *l.*?—That is so.

1255. Is the Trent considered a good salmon river?—It is well adapted for salmon fishing.

1256. Then what is the main reason why it is not more productive than it appears to be?—It is on account of various obstructions from large weirs.

1257. Is the main difficulty which you have to encounter in your district, the obstruction occasioned to the ascent of fish by the existing weirs?—Yes; and I may add also, pollutions which destroy the small fish as they come down.

1258. But probably your main difficulties are the weirs?—I should say our main difficulties are the weirs.

1259. Will you be kind enough to tell the Committee the names of some of the worst weirs which you have on the Trent, coming upwards from the Humber?—They begin at Newark, the next is King's Mills, which is above Derby, then Wichnor, then Alrewas (King's Bromley is not a bad one), then Mavesyn, Ridware, the Colton Weir, and the Great Heywood Weir; those are on the Trent. Then on the Blyth there are two; Harmstall Ridware, and the Blythfield, which is a complete stop, no fish can get over that weir. On the Dove we have the Clay Mills, the Tutbury, and the Rocester. On the Churnet there are no bad ones. On the Derwent we have the Wilne, and the Borrowash, the Derby, the Darley, and the Belper.

1260. Have you altogether on the Trent 19 weirs?—We have on the Trent altogether 36 weirs.

1261. I meant upon the Trent alone, but on the Trent and its tributaries, how many weirs have you?—We have 36 weirs, of which 17 are very bad, and the others are of no very great consequence.

1262. You mean that they do not offer any considerable impediment to the passage of the fish, I suppose?—No.

1263. There are about 17 weirs that do offer very considerable impediment to the passage of the fish?—Yes.

1264. You have mentioned the Derwent; I think that river is very much polluted, is it not?—Yes, it is very much polluted; it is at present of no use as a salmon river, the salmon go up, but none come down.

1265. You do not anticipate that the removal of the weirs would at present make it into a salmon river, do you?—Certainly not at present.

Col. *G. M. Hutton.*

29 March 1870.

1266. What is the character of the pollutions on the Derwent?—There is every kind; gas, dye, and every kind of pollution.

1267. Have you any pollution from mines at all?—Very few of them; there is a little, but not enough, I think, to do any harm.

1268. Since your board was formed, have you made any efforts to remove the obstruction occasioned by the weirs, or to overcome the obstruction?—Yes, we have tried our utmost to get fish passes made, in fact we have spent 400 *l.* in doing so.

1269. Where have you spent 400 *l.* on fish passes?—At Donnington, at Clay Mills, at Tutbury, and at Rocester.

1270. That expenditure has been incurred in trying to construct fish passes?—Just so.

1271. Have you found that the owners of the dams afford you facilities, or not, for making those fish passes?—They afford us facilities so far if we let their water alone, and do not take any of it away.

1272. What have you done at Donnington?—We have made a ladder on the Forsyth principle under the inspection of Mr. Ffennell.

1273. But that would be before the board was formed?—Yes, when we had an association.

1274. The expenditure which you speak of was made partially before the Act of 1865 came into operation, was it not?—Partially before, and partially since.

1275. Do you find that pass effective or not?—Not at all.

1276. What is the cause of its failure?—We think that it is too narrow and too steep.

1277. What kind of weir is the Donnington Weir?—It is a mill weir; it was a fishing mill dam as well, but the fishing part has been given up.

1278. Has that been done voluntarily?—Yes, it has been done voluntarily.

1279. Does it belong to the representative of the late Marquis of Hastings?—Yes.

1280. Has there been any inquiry by the Special Commissioners with regard to that weir?—No.

1281. Or in your district at all?—Not in our district at all.

1282. Have you found the owners generally object to anything being done that would at all interfere with their supply of water?—Yes.

1283. And I gather, as a consequence, from the figures which you have given the Committee with regard to the income of your board, and from what you have stated, that, generally speaking, the powers of the Acts of 1861 and 1865 have not been of very much service to you?—As far as making fish passes over mill weirs is concerned, they have not been of any service to us.

1284. You say that you have not had any visit from the Special Commissioners up to the present time?—No.

1285. Have you ever invited them to inspect those weirs?—No, we have not.

1286. May I inquire why you have not sought to put into operation the powers conferred by the Act of 1865 upon the Special Commissioners?—We think that the Act of 1865 does not give sufficient powers to the Special Commissioners, so we have not requested them to try any cases, because it seems doubtful whether any of our dams can be called fishing mill dams.

1287. Then, should the powers of the Special Commissioners be, in your opinion, extended to all dams and rivers in salmon rivers?—I think they should have the power to inquire into the legality of all weirs and artificial obstructions of every description.

1288. Do questions exist as to whether some of the dams are legal or not in their present state?—We have had no litigation at present.

1289. But have you reason to believe that any of the dams are illegal in their present state?—I have not inquired into that subject myself.

1290. Do you desire to avail yourselves of the powers given to the Special Commissioners, if they are extended so as to include all dams?—Certainly we do.

1291. I suppose you think it would be an advantage to the fishing interests of the district if the powers of the Special Commissioners were extended in the way that I have mentioned?—Yes, I think it would be a great advantage.

1292. And would you desire, in the event of the dams being found to be legal, that powers should be given to construct efficient fish passes over them wherever it may be practicable?—Yes; that is my desire.

1293. Might it be, in your opinion, an advantage if, in certain cases, fishery boards were empowered to purchase compulsorily dams for the purpose of removal in the way in which permissive power is given in the Act of 1865?—It might be an advantage, but I do not see how a board like ours with a small income, could possibly do that.

1294. But do you anticipate that the salmon fishery of the Trent might be so much improved as to become extremely valuable?—Yes, I do.

1295. At present, I take it, it is comparatively valueless, judging from your income from licenses?—Yes; it is quite valueless in the upper waters.

1296. The honourable Member for South Northumberland suggests a very proper question, whether there are any existing records showing that the river Trent ever has been a productive salmon river?—Yes.

1297. Can you give the Committee any information with regard to its former condition in that respect?—I have no document, but I know of one instance where 100 salmon were taken at one draw.

1298. Where was that?—In the estuary of the Humber.

1299. Might they have come from the other side of the water, from the Yorkshire side?—They were taken on the Lincolnshire coast.

1300. Near the Trent?—Near the Trent fall.

1301. You suppose that they were Trent fish?—Possibly some of them were; I could not say that all of them were.

1302. When was that great draw?—I cannot say the exact date; 60 or 70 years ago. There is another case I could tell you of, of 40 salmon being taken in one afternoon by two men with a snatch hook.

1303. Where was that?—At Clay Mills, the first weir on the Dove; that was only 20 years ago.

1304. That is some distance above Derby, is it not?—Yes.

1305. Do you know whether any of the obstructions which you have mentioned have been created or enhanced during that period of 20 years?—Two or three of our weirs have been raised; one at Tutbury and one on the Churnett.

1306. Do

1306. Do you know when each of those weirs were raised?—The one on the Churnett has been raised within the last year or two.

1307. Since the passing of the Act of 1865, I suppose?—Yes, since the passing of the Act of 1865. In fact, the other has been raised only a few months.

1308. Has that been done with the sanction of your board at all?—No.

1309. Did you offer any objection to its being done?—We did in the case of the one at Tutbury, but not in the case of the one on the Churnet.

1310. What did you do in the matter?—We applied to the miller to have the boards removed, and he simply did not do it; he would not remove them.

1311. I suppose that is a case where you would be glad to have some inquiry with regard to the legality of what the miller has done?—Yes; I think there ought to be an inquiry into that case.

1312. If there were compulsory power given to make efficient fish passes over every dam, do you think you would be able to raise sufficient funds in your district to do everything that is needed?—I think by degrees we might do so.

1313. You would not get much license duty, I suppose, for some time?—No.

1314. Have you any water-bailiffs?—We have one.

1315. How do you employ him?—He is a constable belonging to the Nottingham police.

1316. Is he migratory?—Yes, he moves about from one end of the river to another.

1317. I understand you to say that your water-bailiff is paid by the Trent Fishery Board, but that he is really appointed a county policeman for Nottinghamshire?—Yes.

1318. I daresay you know that that is the practice in Durham and many other counties in England, for instance, in Northumberland?—Yes, I am aware of that.

1319. Is much interest taken in the preservation of the fisheries in your district now?—There was a great deal of interest taken in the matter at the commencement of the formation of the district, but now it is with very great difficulty we can get a quorum for the board.

1320. As matters stand at present, I suppose you consider it practically useless to take very much trouble in the matter?—Yes.

1321. Shall you be likely if things remain as they are, to follow the example of the Dee Conservators, and try to dissolve your district?—Personally, I should not, but I think that the other members of the board are inclined that way.

1322. There is no improvement, I suppose, in the upper part of the river?—No visible improvement.

1323. Do you think that there is any real improvement?—I think that there are more fish than there used to be.

1324. Do you attribute a great part of the unfortunate state of things you have described to the obstructions caused by the weirs?—Yes; the decrease of the fish is owing to that cause.

1325. And the present unsatisfactory state of things is general?—Yes.

1326. Is it your opinion that a fish pass could be made on every dam to work satisfactorily without interfering with the interest of the millowners or with the navigation weirs?—I am sure of it.

1327. And I believe you have given very great attention to the subject?—Yes; I have studied the subject a little during the last four or five years.

1328. Sufficiently to enable you to form an opinion, and to express it with confidence?—I think so.

1329. Where would you place a salmon fish pass, generally speaking?—I should place it below the crest of the weir.

1330. Would not that, to some extent, prejudice the mill-owner, in other words, would it not diminish his supply of water to some extent?—Not if there was a compensating bar, as described by Mr. Paterson in his evidence.

1331. Have you read his evidence?—No; I have not read his evidence, but I have seen the plan.

1332. Were you present when he was examined?—Yes, I was present the first day of his examination.

1333. As a general rule, do you agree with the opinion that Mr. Paterson expressed?—Yes.

1334. Do you think that the plan which he laid before the Committee is one that would be successful?—I think it might be successful.

1335. Do you think also that it would not be prejudicial to the mill-owner?—Certainly not.

1336. Would you contemplate closing the aperture, when the water falls below the top of the weir?—Yes.

1337. The Committee have heard a proposition with respect to the adoption of a self-acting valve; is that the mode you propose, or would you propose an ordinary sluice?—If a self-acting valve could be got to work, I should prefer it. There is one working at the present time, in the Derwent.

1338. Where is that?—I cannot tell where it is, because I only heard of it accidentally on Thursday last, from a mill-owner, Mr. Holmes (one of Messrs. Strutt's mills), and he could not remember the name.

1339. Is it near Belper where their mills are?—I believe it is near Belper.

1340. Will you do the Committee the favour to ascertain where it is, and obtain all the particulars, and send them to me before the next meeting of the Committee?—I will do so.

1341. Now, of course the construction of fish ways would occasion very considerable expense; do you contemplate that that expense should be borne altogether by the fishery proprietor?—No, I should say not; I should say there ought to be persons to inquire whether the weirs are legal, and if found to be illegal, the expense should be borne by the people in fault.

1342. I need scarcely ask you whether you regard every weir as more or less an encroachment upon the rights of other proprietors on the river?—Yes.

1343. Then in the case where a dam has existed beyond the period of legal memory, so as to give the owner an indefeasible right to it, would you contemplate that the fish pass should be constructed out of funds to be provided by the Fishery Board, or the proprietors of the fisheries?—Certainly.

1344. I suppose you consider that the large riparian owners above the dams you speak of, have suffered for some time in consequence of the existence of these dams?—No doubt of it.

1345. Have they, in your opinion, any adequate remedy for that state of things?—No.

Col. *G. M. Hutton.*

29 March 1870.

1346. Speaking of the dam where a miller has placed some additional obstruction recently; did it not occur to your board to take some proceedings against him?—The subject has not been before the board; I think some proceedings might be taken through the Home Office.

1347. At all events, in the interests of the public, you think there should be some mode of inquiring into the legality of what has been done in that case, and in all similar cases?—Yes; I have corresponded with Mr. Walpole on the subject, and he offered to look into the matter, which for certain reasons, not his fault, but rather mine, it stopped.

1348. Speaking for your own Fishery Board, is it your opinion that the interest taken by the members of your board up to the present time, will entirely cease unless some considerable improvement in the law be effected?—Yes.

1349. And the improvement you suggest above all others is, that you should secure an efficient fish pass over every mill weir that exists?—Certainly.

1350. Or the removal of those weirs?—Or the removal of them.

1351. Are there any cases in your district where you think it might be to the interest of the fishery proprietors to purchase the dams for the purpose of removal?—It might be for their interest to do it, but it has been found exceedingly difficult to raise money even to make ladders, and I cannot see how you could raise money to purchase dams.

1352. But supposing you were possessed of funds, has it occurred to you that any dams might be purchased and removed entirely, with advantage to the river?—Yes, certainly; if we had funds to do it, that would be a very excellent thing.

1353. If you had funds to do it, and if it would promote the general fishing interest in your district, is there any reason why Parliament should not grant compulsory powers to take mill weirs in the same way as it has given compulsory powers to take land to form railways?—No: I do not see any reason why it should not be so.

1354. Unless powers be given in some way to surmount those obstructions, will the rivers, so far as your fishery district is concerned, be thrown back to the same condition that they were in before the passing of the Act of 1861?—No; I can hardly say that, but I do not think that they will advance much further.

1355. But if the law were altered, do you think that sufficient funds might be raised for all needful purposes repayable over a term of years?—With our present income no one would advance money to us.

1356. Have you at all contemplated the desirability of taking powers to levy a fishery rate upon the riparian owners to effect improvements in mill dams?—I have not thought over the subject at all.

1357. Do you think that the Acts of 1861 and 1865 are defective with regard to bye-laws?—I think there should be power to make bye-laws.

1358. Upon what subjects would you propose that that power should be given?—With regard to the close times chiefly.

1359. Do you mean the weekly close time or the annual close time, or both?—In my opinion, both.

1360. With regard to the license duties, is that a subject you would include in the bye-laws?—Yes; I dare say that would be a good thing in some rivers.

1361. How would you contemplate that these proposed bye-laws should be made; would you have them made by the Fishery Board?—I should have the scheme drawn out by the Fishery Board in the first instance, and then I should require the Special Commissioners to come down and hold a court, so that they might hear evidence on the subject, so that everybody might know what was going on. That would be more satisfactory, in my opinion, than having bye-laws made by Boards of Conservators in their room, and having them confirmed by the Home Office without any public inquiry.

1362. Have you at all thought of the Court of Quarter Session as a tribunal which should have the controlling power?—No.

1363. Would it answer the purpose, or do you think that it would be objected that that was a court too much in the interest of the landed proprietors?—I think it might answer the purpose, but I really have not thought of it, or had it suggested to me in any way before.

1364. Have you smelt nets fixed in the Humber?—Yes.

1365. Are those nets destructive to the salmon fry at certain times of the year?—Yes; they kill a great number.

1366. Do you think that they should be regulated in some way?—Yes; they should be regulated in some way; perhaps there should be a close time for them.

1367. I see among the offences committed in your district in the year 1868, the selling of young salmon is enumerated; did that occur in the Humber district?—Yes; that was when the Trent Board had the whole of the estuary, but now the Yorkshire Board has half of it.

1368. The Humber at one time was entirely in your hands, was it not?—Yes, at one time it was entirely in our hands. The offence which you have mentioned took place at Hull.

1369. When are those smelt nets fixed?—All the year round.

1370. Are they fixed, or stake nets?—No, they are anchored; the boats are anchored, and there is a net between each boat from the shore.

1371. At right angles from the shore?—Yes.

1372. I suppose they are not considered fixed engines?—They are fixed engines; if we could prove that they killed the salmon we could have them removed; but it is difficult to catch them; in fact we have never been able to catch them. We know that they do kill young salmon, and take them on shore in large quantities, but we cannot detect them.

1373. You know that those operations are very prejudicial to the salmon fisheries of the district?—Yes.

1374. And you think it desirable that there should be powers to make regulations with regard to them?—I do.

1375. Have you considered the necessity for some change in the present law with regard to fixing the license duties; at present the licenses are fixed by the Fishery Boards with the sanction of the Home Office?—Yes.

1376. Do you think that a convenient mode, or would you suggest any change?—I think that the licenses might be fixed by the Board of Conservators.

1377. When you speak of your Fishery Board, you mean the board appointed under the Act of 1865?—Certainly.

1378. Then what I understand you to say is, that

that you think that matter should be left to the Conservators themselves?—Yes; I think they ought to have the power to alter them after giving due notice.

1379. Without the necessity of consulting the Home Office?—Yes, provided they keep to the maximum imposed by the Act of Parliament.

1380. Within that maximum, you would give unfettered discretion to Boards of Conservators?—Yes, I would.

1381. Have you heard any complaints with regard to the mode in which Fishery Boards are now appointed?—No; I have never heard any complaints.

1382. Does it, as far as your experience extends, and so far as you know, work satisfactorily?—I should say so.

1383. At all events, if the absence of complaint be any test, it works satisfactorily?—There has never been any complaint since the formation of the district.

1384. Now, with regard to the close time, do you think it desirable that there should be a fixed annual close time throughout the country?—I think it would be very difficult to arrange it for the prevention of the sale of the fish if there was not a fixed annual close time.

1385. It has been suggested by some of the witnesses, that there should be power given to vary the close time, that is to say, that there should be the same number of days as we have now, but that in certain districts the time should commence later and end later, and in other districts that it should commence earlier and end earlier than it does now; instead of beginning on the 1st of February throughout the kingdom, it should begin in certain cases on the 15th of January, and end 15 days earlier, and in other cases commence on the 15th of February and end so many days later?—I am not perhaps competent to give an opinion on that point.

1386. What is your opinion with regard to the weekly close time?—I think it might be lengthened with respect to the lower waters. I am speaking of the lower waters more particularly, but I should not alter it in the upper ones.

1387. Are nets used upon the Trent near the weirs?—Not within 100 yards.

1388. Do you think it undesirable that nets should be used in any case within 100 yards of a dam?—I should never allow them to be used within 100 yards below a dam.

1389. Have you any objection to their being used within the same distance above a dam?—Certainly not.

1390. Do not the fish sometimes in coming down strike against the grating, for instance, and then lie immediately above the dam for some time?—Not except it is fish out of season; when the fish has surmounted the obstruction he goes on.

1391. Coming down stream they would be unseasonable fish?—Certainly.

1392. Have you experienced the need of gratings to mill races on your river or not?—I think we want them very much.

1393. Would you desire to have those gratings placed at the head race of every artificial outlet of a river?—Yes.

1394. Do you think it necessary to have those gratings at the tail race as well?—Yes; I think it is necessary to have gratings at the tail race at certain seasons of the year.

1395. And only at certain seasons of the year?—I should allow them to be moved at certain seasons.

1396. You would have them at the tail race merely when the fish are running up to spawn?—Yes; and at the head race when they are coming down.

1397. I suppose you agree with the other witnesses who have been before this Committee, that very often fish get into the mill race either below or above the mill, and then the water is shut off, and they are captured in great numbers?—Yes; that is the case in other rivers, but I think that it is not the case in our river.

1398. You think that that is an evil that requires to be provided against?—I do.

1399. Have you formed any opinion with regard to the power of water bailiffs to traverse the banks of salmon rivers?—I do not see any objection to that myself.

1400. Do you thing it necessary that that power should be granted?—Yes, I do.

1401. Do you wish to make any statement to the Committee with regard to the question of eel fishing?—There is a close season in Ireland for eel fishing, and I think we ought to have the same sort of thing in English waters.

1402. Is it the fact that young salmon are destroyed in the eel nets to a considerable extent?—Yes, and the kelts as well.

1403. Have you anything to add to your evidence?—Nothing more.

1404. Mr. *Knatchbull-Hugessen.*] Is the policeman who works as your water-bailiff in the pay of the county?—He is paid by the county, and we pay the county.

1405. He is one of the ordinary constables, is he not?—Yes, he is a county constable.

1406. Do you ever hear of any objections being raised to his being employed as your servant?—Not the least.

1407. Do you contemplate the establishment of the Special Commissioners as a permanent board?—I should like to see them a permanent board.

1408. Would you like to see them an independent board, or a board subject to the control of the Home Office, or any other Government department?—I conclude they would have to be under the control of the Home Office.

1409. In what way do you mean; in the same way that the inspectors are now?—Yes.

1410. Would you have them combine with their legal functions the duties of the present inspectors?—I think that would be a good thing.

1411. That is to say, you would propose to do away with the present system of inspectors under the Home Office, and to have a board whose duty it should be to decide those legal questions, and at the same time to inspect the rivers as the present inspectors do?—I think that would make it much more simple.

1412. I understood you to say that you would wish Boards of Conservators to be unfettered in their discretion in dealing with the several points in question?—Only with regard to the licenses.

1413. But would you have Boards of Conservators make all bye-laws with regard to the close times and nets subject to some authority of which they should be independent with respect to the licenses?—Yes.

1414. Upon what ground would you make the difference?—Certainly with regard to the close seasons I should wish them to refer to some other power.

1415. Then why not with regard to the licenses?

Col. G. M. Hutton.

29 March 1870.

licenses?—So long as they do not exceed the maximum under the Act of Parliament, it is not necessary, I think.

1416. Do you know, as a matter of fact, that it often happens when Boards of Conservators have altered the scale of licenses, that there are petitions against the scale by the parties affected?—I have not heard of that.

1417. If that is so, what would you recommend?—I should think it would be a good thing in that case that the Special Commissioners or some other body should be referred to on the subject.

1418. Have you turned your attention at all to any alteration in the constitution of your board?—No; I never thought about it until I heard something mentioned here.

1419. If you extended their powers there would be a probability of finding less difficulty in getting a quorum, and more readiness to serve on the board, I suppose?—I do not think that it would make any difference to us.

1420. You do not think that when you give persons more power and more authority, there is greater readiness to attend to a subject?—Not in a board constituted as our board is.

1421. You say that effective fish passes could be made without damage to the mill owner; have you in your eye any particular form of fish pass?—What you want is a supply of water, and if you can get a supply of water, I feel confident that you can get an efficient ladder.

1422. Have you read that part of Mr. Paterson's evidence in which he alludes to a particular pass which he recommends?—Yes.

1423. Do you agree with him that that would be an efficacious pass?—I do.

1424. It that only from Mr. Paterson's description of the pass, or have you had any practical experience of its working?—I have had no practical experience of its working.

1425. With regard to compulsory powers, in your opinion, who should be the judge of whether the compulsory powers should or should not be put in force?—At present, the Special Commissioners.

1426. If Parliament gave those compulsory powers, you would not have them put in force, except the Special Commissioners had reported that it was desirable in each particular case that they should be put in force?—Quite so.

1427. Would you have the Special Commissioners a roving commission, going round to all the rivers in England to judge in each particular case, or would you have them only go when summoned by the respective Fishery Boards?—I do not think that it would be necessary for them to go to any particular river, unless they were summoned.

1428. You would have the initiative with regard to those compulsory powers left with the Fishery Boards?—Yes.

1429. Would you give compensation to the owners of those mill dams which you removed?—Certanly, if they were proved to be legal.

1430. Have you studied the question of how that compensation should be determined?—I have not.

1431. You have only a vague idea that it would be just in order to remove the obstructions from the fish that those mill dams, even though legal, should be removed, and that compensation should be given?—I think that compensation should be given wherever the dams are proved to be legal.

1432. Suppose there was a very valuable mill dam, how would you propose to provide compensation in that case?—That is a question of money, and where the money is to come from I do not quite see at present.

1433. Then it would be of very little use giving compulsory powers, unless you were prepared to pay the necessary compensation, would it?—I think we should be able to raise money for the damages beginning with one weir at first, and so on to the others.

1434. You have not at all looked into the question of having an elective board?—I have not, but I see no objection to it.

1435. I understood you to say, that you attached no blame to the inspectors for not having inquired into some points which the Chairman asked you about?—No; certainly not.

1436. Mr. *Herbert.*] Have you got any net night fishing on your river?—I do not know that it is carried on regularly, but there is no law against it.

1437. What is your opinion about it?—I think it is a very bad thing in the upper waters of the river.

1438. In the fresh waters?—Yes, in the fresh waters.

1439. Do you think that any new law ought to forbid net night fishing in fresh waters?—I think so.

1440. How would you propose raising funds for the protection of your river (you having now only an income of about 70 *l.* a year), in order to carry on a proper supervision of the fisheries?—I really cannot give any opinion upon that; I believe there will be a scheme laid before the Committee, which will answer that question.

1441. You have never thought how you would propose in your own district to raise funds for that purpose?—I never did.

1442. You have stated that you were favourable to a fixed close time all over the country, have you not?—I am in favour of it personally.

1443. Have you ever had any practical knowledge as a fisherman?—Yes, I think I have.

1444. Have you fished in many rivers?—I have not fished in many rivers in England, in fact, not in any in England.

1445. In what part of the country have you fished?—In Ireland and in Norway.

1446. In Ireland in almost every river the salmon run at different times of the year, do they not?—They run later in some rivers than in others, no doubt.

1447. Would you not be doing a manifest injustice to the owners of the fisheries, if you had one fixed close time for every river?—I think it may appear rather hard, certainly.

1448. Would it be for the interest of the public then, that those rivers should not be fished when the fish are running in them?—I do not at all insist on the opinion which I gave before; I am quite open to conviction that there might be with advantage an alteration of the close time, but I see a good many difficulties about it.

1449. Might it not be the best plan to give the Commissioners the power to fix the close times in different rivers, according to the evidence brought before them?—Yes; I should defer to the opinion of the Commissioners, certainly.

1450. Mr. *Lowther.*] Do you think that the owners and occupiers of mill races on artificial streams ought to be compelled to put gratings at the head and tail of mill races?—Yes.

1451. From

1451. From any particular times?—I think so, certainly.

1452. What times would you mention?—I think the grating at the head of the mill race should be there, say, from the 1st of December or the 1st of January, to the 1st of June.

1453. Is it your opinion that a penalty should be inflicted upon the millers if they did not keep them clean?—I think that they would keep them clean for their own sakes.

1454. Are your rivers early or late rivers?—They are late rivers.

1455. Do you think that any extension of the fishing season would be an advantage to you?—Not at present, while the stock is so small it would be a mistake.

1456. With the extension of time you would also give an extension for the sale of fish?—Yes.

1457. As far as your experience goes, do you think that the Special Commissioners and the inspectors work well together?—No.

1458. How many Conservators are there at your board?—About 16, I think.

1459. Do many people attend the meeting?—At the last annual meeting there was only the chairman and one other conservator.

1460. There was not much difference of opinion between them probably?—I think not.

1461. Do you publish your accounts?—Yes.

1462. Where are they published?—They are published in various newspapers, and also in a pamphlet such as I have before me.

1463. I believe you have given your opinion as to whether a board constituted as it is is a fit board to pass bye-laws?—Yes, I said I thought it was.

1464. Now, with respect to inquiries into the legality of weirs, that would entail a great expense on those people to whom the weirs belonged?—I should say it would.

1465. And lead to a great deal of litigation, would it not?—Yes.

1466. With appeals?—Possibly with appeals.

1467. A good deal of money might have to be spent?—No doubt.

1468. The people to whom the weirs belonged would have to spend a large sum of money, would they not?—Yes, provided they were proved to be in the wrong.

1469. But even if they were proved to be in the right, they would have some expense?—No doubt.

1470. And a large expense?—I cannot say.

1471. You say that the Trent might be made a very valuable river as regards fisheries; if so, would not the proprietors of the land round the Trent take proper means for making the river valuable of their own accord?—They would do their best, no doubt; but I do not see how, under the present system, they can get passes made, or anything else done to a mill weir. They cannot improve the rivers, as the law stands at present.

1472. Is it not a question of whether the mill is more profitable to the landowner, or whether the fishing in that water is more profitable to him?—Yes; it might possibly be more profitable to the proprietor of the mill to keep his mill than to have the fish.

1473. Colonel *Edwardes.*] Am I right in my idea that, in an answer to the Chairman with regard to fixing the close time, you stated your chief objection to different close times for various districts would be the great opening it would give to the sale of fish at illegal times?—Yes.

1474. That would be a very great evil, would it not?—It would be an evil very difficult to overcome.

1475. In fact, it would be an extremely easy thing for a large amount of fish to be exposed in the market in a neighbourhood where the close time was longer, though those fish had been illegally caught in another district where the close time had expired?—Certainly.

1476. Have you seen the Bill which was introduced last Session with regard to salmon fisheries, and was subsequently withdrawn?—I just glanced at it.

1477. Do you think that it contained any valuable improvements on the Act of 1865; have you studied it?—No; I have only seen the Bill for about five minutes or so. I noticed one thing in it which was apparently very useless, and that was clause 8.

1478. That is the clause which affects the gratings; what are your reasons for thinking that clause useless?—I think that the gratings are allowed to be removed just at the time that they ought to be put down.

1479. It only gives the Conservators power to place those gratings, provided they do not interfere with the mill wheel; but who is to say whether a grating does interfere; is it the Conservators or the miller?—I cannot say.

1480. That remains in doubt under the Act, does it not?—Yes.

1481. Colonel *Amcotts.*] Is there power under the Act of 1865, or any other Act, to proceed against the miller you mentioned who raised his dam last year?—I believe there is, but I cannot say off-hand.

1482. *Chairman.*] Can you refer to it?—I think that the Home Office has the power to prevent that.

1483. Colonel *Amcotts.*] Suppose it were desirable to proceed against that man, would it be an expensive process?—I could not give any idea of the expense of it.

1484. Have any of the millers been already proceeded against?—Not in our district.

1485. Have you any idea of the number of salmon taken in the Trent and its tributaries last year?—I can give you a rough idea, but it is impossible to get at the real number. I believe it was about 1,100.

1486. Mr. *Whitwell.*] You having had some experience as regards the working of a Conservancy Board, what powers do you wish Parliament to give you more than you already have?—I wish Parliament to give Boards of Conservators the power to make bye-laws on certain subjects.

1487. And no other power?—That would embrace everything.

1488. You have no wish, I suppose, to introduce legislation for the preservation of trout, beyond what now exists?—I think that it would be a very good thing to have a license on trout nets.

1489. You mentioned that as many as 40 salmon have reached the mouth of the Dove?—Yes.

1490. How could they get over the weirs?—They can get over all the weirs on the Trent, if there are large floods.

1491. There is an obstruction on the Trent; the first which you meet with is a mill, is it not?—Yes.

1492. What would be the cost of purchasing

Col. G. M. Hutton.

29 March 1870.

that mill?—It is a very large corn mill, which belongs to the Duke of Newcastle; I could give you no idea, it would be many thousands of pounds.

1493. It would require a very large loan of money to enable the Conservancy Boards to purchase those mills at present on the Trent, would it not?—Yes.

1494. With regard to the gratings, do you think that it is necessary to put gratings on all waters passing from the river towards the mill?—Yes.

1495. If the grating obstructed the flow of the water, would not the millers complain?—I do not think that it would obstruct the flow of the water, because in nearly every case in the Trent there are gratings put by the millers, on purpose to prevent wreck going into the mill wheels.

1496. Those gratings are close to the mills, are they not?—Yes.

1497. But if they were put at the head race, that would be some distance from the mill, would it not?—Yes.

1498. Would it be as easy to clean a grating at a head race a quarter of a mile, or half-a-mile off, as when it is close to the mill?—I suppose that a man would have to be sent to do that work.

1499. Of course that would be additiona trouble?—That would be additional trouble.

1500. *Earl Percy.*] You have stated that you wished the weekly close time to be longer in the lower waters than in the upper waters?—Yes.

1501. You mean the tidal waters?—Yes, the tidal waters.

1502. Have you heard any complaint from the fishermen in the tidal waters, that from different causes, such as the state of the weather, and the state of the tide, they practically have a longer weekly close time than the upper waters?—Yes.

1503. Do you think that that objection is a good one?—No; I think it is true when they say that they have naturally a longer close time, but still they reap a harvest, to a much larger extent than the upper fishermen, and that they could afford to have a longer close time.

1504. Would you make out a gradual scale of licenses, in different parts of the river?—I think that would be a good thing.

1505. Would you have a graduated scale of licenses in the tidal waters also?—No.

1506. Have you heard the tidal fishermen complain that along the coast those who are far down the coast do not get as large takes as they do close to the estuary; and that they therefore ought not to be licensed at so high a rate?—We have no large fishermen in the estuary. The fishing in our estuary is all done by stand nets worked by one man, and they only pay 1 *l.* a license, whereas the net fishermen pay 5 *l.* a license.

1507. Your district extends a good way down to the sea coast, does it not?—Yes, it extends a good way down to the sea coast, to the end of the black line on the map, until you get to the narrow part of the river between the two pink parts.

1508. Mr. *Liddell.*] You have spoken of the Trent as a river well adapted for salmon breeding; is not the character of the Trent, almost throughout, a fine sharp gravelly bottom?—From close above the tidal water it is gravel entirely.

1509. And consequently almost throughout the whole of it it is well adapted for the breeding of salmon, is it not?—I think that salmon will breed anywhere above the tidal water.

1510. Is it not the fact that the Trent offers more advantages than any other river, independently of its tributaries, for the purpose of spawning?—I cannot say that.

1511. Do you know anything of an ancient salmon leap upon the estate of the late Sir Robert Clifton, not far from Nottingham?—No.

1512. Do you know whether there is a salmon leap on that estate now?—Not now, I think.

1513. Do you not know at there was one?—I do not.

1514. Nottingham is famous for its anglers, I believe?—Yes.

1515. And I presume that some pains are taken by the Association or otherwise, for the preservation of other fish besides salmon, on the Trent?—Yes, there is an Angling Association in Nottingham for the preservation of all fish.

1516. Is that Association entirely separate from your Conservancy Board?—Entirely.

1517. Do you know how long it has been in existence?—I cannot say how long, but a long time.

1518. How do they pay their expenses?—That I cannot tell you; I know very little about them.

1519. You have evidently never acted in concert with them?—Never.

1520. Has it never occurred to you that it might be valuable for the purpose of improving your very fine river to act in concert with that angling association?—No; it never occurred to me.

1521. Does it occur to you now?—I think it might be a very good thing.

1522. Do you not suppose that in a river which we know is so frequented by fishermen from Nottingham and all parts of the kingdom that they must have funds at their disposal, and that their system of preservation must be tolerably effective?—Yes.

1523. But you are unable to give the Committee any information as to the way in which they get their funds, and the way in which they use them?—Quite.

1524. You said that you should like the scheme of bye-laws to be drawn up by the Board of Conservators in the first instance?—Yes.

1525. And that then a court should be held by summons of the Special Commissioners for the purpose of carrying those bye-laws into effect, or enforcing their observance?—Yes.

1526. Do you not think that the presence of the Special Commissioners in the locality might tend to create opposition and alarm which would not exist if they did not come?—No, I think not.

1527. You do not think that the fact of summoning the Court of Special Commissioners would tend to close people's mouths in some cases when they might be willing to give more information to the conservators?—I think that an open court would certainly be preferred.

1528. You think, as I collect from your evidence, that no bye-law should be binding until it had been sifted and evidence taken upon its effect and its use enforced by the Special Court; is that your view?—Yes, that is my view.

1529. Would you think it necessary or unnecessary that it should be referred ultimately to the Home Office for their sanction?—I do not think

think that that would be necessary at all; I see no advantage to be gained from it.

1530. You have spoken of the smelt nets taking a large quantity of the fry, but you have never been able to prove the fact, have you?—In one instance only we were able to prove the fact, and that was before the Act of 1865 came in, in fact before the district was formed.

1531. Did the Act of 1865 place a bar in your way?—No, but at all events that was before the board was formed.

1532. That was only an accidental circumstance, I suppose?—It was only an accidental circumstance

1533. Do you think if there existed a bye-law, giving the power to search for fry, you could place an effective check on those nets?—We have the power now of searching the boats.

1534. But not with regard to searching pockets?—No.

1535. Do you ever search the boats?—Yes, but it is hardly possible to find them out, the boats are anchored in the stream, and there is a long purse or bag net, and at the end of the bag they have a string which leads into the boat, so that if they see anybody coming they give the string a pull and everything in the net is released.

1536. And then the fry would escape?—Then the fry would escape, but it escapes dead.

1537. But if your funds enabled you to keep a water-bailiff in constant attendance in the neighbourhood of those nets, do you not think that the fry would be preserved to a considerable extent even now?—We might be able to preserve them a little, but it would be very difficult to do so.

1538. You do not think that the presence of the water-bailiff would tend to make those fishermen more careful?—I think they would be able to kill the fish without the water-bailiff being able to find them out.

1539. Do you believe that there is a ready sale for those young fish?—Not so much now as there was, because we have prosecuted in one instance, and gained a conviction, and that has had some effect.

1540. You think that if there is not a ready sale for those young fish, that it would be worth while for people to care much about catching them?—They catch them only when they set the nets for other fish.

1541. They catch them accidentally?—Yes, accidentally; they do not set the nets for salmon, but for other fish; indeed those nets catch shrimps.

1542. Are those smelt nets very productive and valuable?—No; not very.

1543. Did I understand you to say, that in very wet seasons, and in high floods, the salmon can now pass over all the 17 formidable weirs in the Trent?—I think they can pass every weir; we have but one.

1544. Which is that?—That is at Blithefield.

1545. Is that high up the river?—Yes; it is some distance up the river Blyth.

1546. The last seasons have been peculiarly dry seasons, have they not?—Yes.

1547. And the volume of water has been much less than you have probably known before?—Yes; in the summer months.

1548. Have you observed that the supply of young fish has lessened materially within the last three years?—I think we have not had so many young fish within the last three years, as we had before.

1549. That is attributable to natural causes, I suppose?—Yes.

1550. Mr. *Assheton.*] Have you any general licenses in your district?—No.

1551. I presume you have not turned your attention to the way in which the law with regard to those general licenses works?—No; I have had no reason to do so.

1552. *Chairman.*] The honourable Member near me, asked you whether you had considerered how compensation should be assessed where compulsory powers were exercised; you would not object to the same machinery being applied to the purchase of a dam for fishing purposes, as if the purchase were made for a railway company under the Lands Clauses Consolidation Act?—Just so.

1553. Would not the same machinery be applicable in a case of this kind to a dam as to any other property?—Certainly.

1554. One of the honourable Members asked you whether an inquiry by the Special Commissioners would not entail a great expense, and your answer was that it would, or might?—Yes.

1555. Do you not think that the mischief occasioned by those weirs is so great as to make it absolutely necessary that something should be done?—Yes; I think it is absolutely necessary that something should be done.

1556. Why do you apprehend that there would be any litigation in consequence of those inquiries?—If there were any weirs with respect to which there was a question about their legality, there might be some litigation.

1557. But would not an inquiry by the Special Commissioners supersede the necessity for litigation?—Perhaps it might.

1558. In the case of the dam that has been raised, which you mentioned first, I suppose the riparian owners above the dam who are injured by it, might, if they chose, bring an action against the miller?—Yes.

1559. But the value of the fishery is now so small that it is scarcely worth the expense that would be necessary?—Just so.

1560. With regard to that, I think you stated, that there are some powers vested in the Home Office under the Act of 1861, which provides, that "Every person who, after the passing of this Act, in waters where salmon are found, constructs a new dam, or raises, or alters, so as to create increased obstruction to fish, a dam already constructed, shall attach and maintain attached thereto in an efficient state a fish pass of such form and dimensions as may be determined by the Home Office." Is that the power to which you referred?—That is the power to which I referred.

1561. You were asked as to the case of a mill-weir where the mill was, in point of money, much more valuable to the miller than the fishery; I need hardly ask you whether there are a great number of riparian owners above the dams who have no mills at all, and nothing but the fishery?—Yes.

1562. With regard to those men the fishery is much more valuable to them than the mill?—Yes, of course.

1563. Is it not your opinion generally that the fisheries of the river that are now almost unproductive might be made extremely valuable?—Certainly.

1564. You expect that if compensation were to be

Col. *G. M. Hutton.*

29 March 1870.

be paid for any mill-weir, you would go on gradually taking one at a time?—Yes; I should take the lowest weir to begin with.

1565. And the most formidable obstruction?—Yes.

1566. You would deal with the whole of them as rapidly as improvements were effected, and your funds increased?—Yes.

1567. Do you think that in a short time there would be so much improvement in your splendid river as to enable you to overcome every obstacle?—We have every reason to believe that there would be such an improvement.

1568. The honourable Member for Kendal asked you with regard to the lowest mill belonging to the Duke of Newcastle, and you stated that it was a valuable mill, and that it would take many thousands of pounds to purchase it?—Yes.

1569. I apprehend you would not contemplate the purchase and pulling down of any weir that exists in the Trent?—I do not contemplate the purchase of any weir, because I do not think it is at all necessary.

1570. It is a mere question of expense, is it not?—It is a mere question of expense.

1571. In some of the upper parts of the Trent district, you might find small dams connected with country mills that obstruct the passage of the fish to the spawning ground to a large extent, where it might be an advantage to purchase the dams and pull them down?—Yes, in some cases.

1572. But if you had the powers, you would only think it proper to apply them in cases of that kind?—Just so.

1573. You would not interfere with the milling power to this large mill belonging to the Duke of Newcastle?—No.

1574. In answer to the noble Lord the Member for North Northumberland, did I understand you to say, you thought there should be an extension of the close time for net fishing in the tidal waters, so as to compensate the fishermen in the tidal waters for the short period during which they can fish in consequence of the tide?—No; my opinion is, that there should be a longer close time in the lower waters.

1575. You do not intend to give them any advantage?—Not at all.

1576. I gather from your evidence, that generally speaking, you think it would be desirable in any question arising between the board and the fishermen, either with respect to the bye-laws or otherwise, that there should be a local inquiry?—Yes.

1577. Mr. *Liddell.*] The Trent is very full of pike, is it not?—In parts of it, it is full of pike.

1578. Have the pike increased very much since the establishment of that fishery association at Nottingham?—I believe they have; I heard something about that the other day.

1579. The pike are very destructive to the fry of the salmonidæ, are they not?—Certainly.

1580. Do you think, that under any circumstances, and under any system of preservation, the existence of that large quantity of pike would not always be a great obstruction to any very large increase of salmon in the Trent?—No, they certainly would do a great amount of harm, but the number of fish may be so great as to overcome that.

1581. Are there any trout in the Trent?—Yes.

1582. Whereabouts are they?—There are trout all above Nottingham on the Trent.

1583. Are they in any quantities?—In no great quantity until you get far up.

1584. Probably that is owing to the existence of large quantities of pike?—Yes, probably.

1585. The river is naturally as well adapted for trout as any water you ever saw, is it not?—I do not think that it is quite so well adapted for trout as some rivers. The stream is not so sharp till you get high up.

1586. But the bottom is very sharp and shingly, is it not?—Yes.

1587. Is not that very favourable for the trout?—I believe so.

Mr. John Henry Phillips, called in; and Examined.

Mr. *J. H. Phillips.*

1588. *Chairman.*] You are Honorary Secretary to the Yorkshire Salmon Fishery Boards?—I am.

1589. What districts are you secretary for?—For the Wharfe, Niddure, Swale, and Ouse, and also for the Derwent. The Derwent is a separate Fishery Board.

1590. That is, the river extending from the Ouse in the direction of Scarborough?—Yes.

1591. Was Sir Harcourt Johnson chairman of that board for some time?—He was the chairman of the Fishery Committee when the board was first formed.

1592. What is about the income of your board at present?—It is about 120 *l.* for the Wharfe, and 50 *l.* for the Derwent.

1593. Can you give the Committee, roughly, the area of the catchment basin of your district?—For the Wharfe it is upwards of 2,000 square miles, and for the Derwent about 800 square miles.

1594. That is 2,800 miles in all?—Yes.

1595. The whole of the income from those rivers, last year, was what you have mentioned?—Yes.

1596. Has the operation of the Acts of 1861 and 1865, answered the expectation of your board?—It has not.

1597. What has been the great evil which you have had to complain of, in your district?—The weirs.

1598. That is to say, they obstruct the passage of the fish between the sea and the spawning beds?—Yes, entirely so.

1599. I believe that you have many formidable obstructions of that kind?—Yes.

1600. On the Ouse, there is a very celebrated one called the Naburn Lock?—Yes.

1601. Belonging to the Corporation of York?—Yes.

1602. That lock is situated below the City of York?—Yes.

1603. There is another very large one called Linton Lock?—Yes.

1604. That is a navigation weir?—Yes.

1605. That lock is above the City of York?—Yes, it is nine miles above the City.

1606. I believe that there are several very formidable obstructions on the Ure?—Yes, there are several.

1607. On

1607. On the Swale also, there are several, I believe?—Yes, the first one is at Topcliffe.

1608. That is a very formidable one, is it not? Yes, it belongs to Lord Leconfield.

1609. Can the fish get over that weir at all?—No, they do not get over it.

1610. The Committee have had it in evidence before them, that salmon have been known in the Swale?—I have made several inquiries, and have never yet ascertained, with certainty, that salmon have been seen there for a great many years.

1611. Can you tell the Committee the height of that weir?—It is about nine feet.

1612. It is almost impossible for the salmon to pass that weir except in very high floods, I suppose?—It is.

1613. There are on the Wharfe a great many obstructions, are there not?—Yes, a vast number.

1614. And on the Nidd, are there a great number?—A great number.

1615. And on the Derwent?—And on the Derwent.

1616. Has your board made any effort to get efficient fish passes made over the principal of those weirs?—They have done so.

1617. What has been the result; did you find the powers of the existing Act of Parliament sufficient for your purpose?—No, we did not; the owners made objections in one way or the other.

1618. Have you found the powers of the Act of 1861 unavailing and useless to you up to the present time?—Yes.

1619. Did the Act of 1865 improve matters at all?—No, it did not; it has not given the Special Commissioners enough power.

1620. I think that there are 14 weirs on the Wharfe at the present time?—Yes, there are.

1621. Do you find that there are only four of those weirs that could be dealt with by the Special Commissioners under the Act of 1865?—Yes, only those four.

1622. And, consequently, if everything had been done with regard to those four weirs, it would be practically useless, because the remaining ten could not be dealt with?—Exactly.

1623. Have the Special Commissioners held any inquiries in your district?—Yes, they have held an inquiry on the Wharfe.

1624. Will you be kind enough to state shortly to the Committee what the result of that inquiry was?—The Commissioners held an inquiry in the year 1868, and they found that the owners were inclined to make fish passes.

1625. And Lord Londesborough, more particularly, was he not?—Yes; I should state that the Commissioners adjourned the inquiry.

1626. Since then have you obtained designs for fish passes from Mr. Roberts, of Galway, the engineer?—Yes.

1627. He gave you designs for two weirs, one at Tadcaster and the other at Wetherby?—Yes; he gave us designs for both those weirs.

1628. Have they been carried out?—The weir at Wetherby belongs to the corporation of Leeds, and they have very liberally consented that a pass should be built there at their own expense, and it is to be carried out in the early part of the summer.

1629. The one at Tadcaster belongs to Lord Londesborough, does it not?—Yes; he has already consented that a pass should be erected there this summer also.

1630. His Lordship will bear a portion of the expense, I suppose?—He will.

1631. In both cases is it intended that the sill of the fish passes should be cut below the crest of the weir?—Yes, 16 inches deep.

1632. And what inlet is it proposed to have?—A two-feet inlet.

1633. Is that, in effect, carrying out the suggestion which was made to this Committee last year by Mr. Paterson?—I believe it is.

1634. What do the owners say with respect to interfering to that extent with their dams?—They entirely assent to it; they think that the difference would be quite inappreciable, and will not affect the milling power.

1635. They are willing, at all events, to consent to an alteration to that extent, in the hope that it would remedy the evil complained of?—Just so.

1636. Then supposing those alterations to be carried out, and to be as successful as you suppose, it will still remain for you to surmount the other obstructions in the river?—Just so.

1637. And you cannot have them dealt with without having further powers conferred on the Special Commissioners, or some other mode of dealing with those obstructions being created?—Just so.

1638. What would be the effect of getting the weirs which you have referred to opened out on the Wharfe?—It would open up about 20 miles of excellent spawning ground, and consequently there would be an increase of the stock in trade of salmon.

1639. I believe the length of the Wharfe is very considerable?—Yes, it is.

1640. Is there a dam at Harwood Bridge that completely obstructs the passage of the fish?—Entirely.

1641. That is about 30 miles from its confluence with the Ouse, is it not?—It is so.

1642. Has that weir at Harwood Bridge been dealt with at all?—No; I believe the county made an attempt two years ago for facilitating the ascent of the fish, but I believe it is a failure.

1643. Are there about 200 miles of spawning ground on the Wharfe and its tributaries, from which salmon are practically excluded?—Yes.

1644. And that is as beautiful spawning ground as could be desired, is it not?—It is a beautiful spawning ground, the water flowing over gravel, and is as well adapted for the purpose as any river I know of.

1645. Therefore you have all the conditions there which would most conduce to form a good salmon river?—Yes, entirely.

1646. With regard to the Ure, is it 60 miles in length?—Yes.

1647. Is that another beautiful stream?—Yes.

1648. Are the salmon excluded altogether from that river by the Linton Lock?—That is the first barrier.

1649. That is almost an insurmountable one, is it not?—Yes it is.

1650. Have you about 180 miles of excellent spawning ground on the Ure, which might be utilised?—We have.

1651. I believe at the upper part of the Ure there is a lake of considerable extent?—Yes; called Semmez Water.

1652. With regard to the Swale, you have already stated that the Topcliffe Weir effectually prevents the passage of salmon over that weir?—Entirely so.

Mr J. H. Phillips.

29 March 1870.

1653. You never heard of there being salmon in the Swale?—Never.

1654. Is there a large extent of excellent spawning ground in that river also?—Yes, there is a large extent of excellent spawning ground when you reach Richmond; it is a sluggish river lower down.

1655. But when you get above Catterick and up to Richmond, it is a capital stream, is it not?—It is.

1656. Do you conceive that the exercise of the jurisdiction conferred upon the Special Commissioners by the Act of 1865, limited as you have mentioned, has been of service to the salmon fisheries of Yorkshire?—Undoubtedly.

1657. Is it your opinion that you could have got, what you have got, carried out without their assistance?—They have only held one inquiry at Tadcaster, and although those powers were limited, yet from the exercise of them we arrived at a satisfactory result.

1658. Is it your opinion, gathered from your experience in connection with most of the salmon rivers of Yorkshire, that similar powers should be given to the Special Commissioners with regard to all kinds of obstructions?—Yes, entirely.

1659. Whether they have been used for fishing purposes or not?—Yes.

1660. Do you think that any compulsory powers should be conferred with regard to weirs?—Yes, I do.

1661. And until those compulsory powers are conferred, do you think that you will be able to effect all the improvements which you deem necessary?—There are both navigation weirs and mill weirs which block out the salmon, and until those are opened I am afraid that the improvements which are deemed necessary cannot be effected. I may mention especially the one at Sutton on Derwent, and the one at Naburn. We find that the owners of these dams are not so liberal as Lord Londesborough or Mr. Hatfield, and consequently we are almost at a standstill.

1662. They will neither make fish passes themselves, nor permit you to make them, I suppose?—No.

1663. And in such cases you think that if power was conferred on the Special Commissioners it would be of great service?—I do.

1664. Probably if compulsory powers existed it would never be necessary to exercise those powers?—I think one case would most likely settle most of the others.

1665. You would be able to make some arrangement, or to effect some compromise, so as to carry out all that you required?—I have no doubt of it.

1666. The cases where it would be necessary to put the compulsory powers into operation would be, I suppose, very few?—Very few indeed.

1667. Do you think in some cases, that selfish considerations influence the mill owner, such as keeping the fish in the pools below the dam?—My own impression is, that they do.

1668. That impression is gathered from your experience in those cases, I suppose?—It is.

1669. It has been suggested to the Committee that persuasion and voluntary efforts would, in time, effect everything that is desired; is that your opinion?—No, it is not indeed.

1670. You have not found the millers and the mill owners generally so amenable to reason, I suppose?—Far from it.

1671. At present, your funds, as you have mentioned, are exceedingly limited?—Very much so.

1672. Would those funds, in your opinion, be very much increased if the fish could be got over the weirs, and the fisheries improved by that means?—There is no doubt of it; for that would increase the license duties.

1673. I suppose you might increase the number of license duties to almost an indefinite extent on some of the rivers which you have mentioned?—It might be increased to a very large extent.

1674. Can there be more splendid angling in the world than the Ure, the Wharfe, and the Swale afford in certain portions of them?—No; I do not think that there can.

1675. You say that you might increase the amount received for license duties, to an almost indefinite extent?—Yes.

1676. Then if that were done, and licenses were granted to any considerable extent, should you have any difficulty, do you think, in raising such funds as would be necessary for making fish passes or purchasing the mill dams, in cases where it appeared desirable to purchase them for improvements?—No; I think that Boards of Conservators, if they found that fish passes were enforced over all the dams, would have no difficulty in raising funds. I think that parties would then be found who would come forward to advance money, because it would be considered a safe investment.

1677. You consider that it would be a safe investment if there was power to construct compulsorily, fish passes to give the fish free passage from the sea to the spawning beds?—Yes, over all the dams.

1678. But you do not expect that that state of things will arise, so long as it rests with the mill owner to consent or not, just as he pleases?—Mere persuasion will never effect it.

1679. You think that the evil can only be cured by having some compulsory powers?—Yes.

1680. Would you, in the first place, desire to have an inquiry by the Special Commissioners with regard to the legality or otherwise of the obstructions?—Yes.

1681. And supposing the weir to have existed so long that the owner had got an indefeasible right at law to it, would you then propose to make the fish pass at the expense of the Fishery Board?—Yes.

1682. And if you found that the dam had only existed a short period, and had not obtained a legal existence, what would you then propose?—I think that the expense should then fall on the owner of the dam.

1683. Do you think that he should either remove it or make it innocuous?—Yes.

1684. In the case of a formidable dam connected with a mill, and not of very great value, is it probable that it might be desirable to have the power to purchase that dam for the purpose of removal?—Yes, I think that the Boards of Conservators should have the power to purchase one or two of the chief dams on a river, which may be said to be the keys of the river.

1685. That is to say, if no other mode of surmounting the difficulty can be devised I suppose?—Yes.

1686. Then how would you propose that the power

power should be put into operation; would you give the Fishery Board full power, or would you have that power controlled in some way; would you give by the statute any Fishery Board absolute powers to purchase any existing mill weir without any control?—I think there should be some control.

1687. Making compensation to the owner, where he had a legal right to the dam?—Yes.

1688. I believe that as a land agent, you have had considerable experience of the working of the Lands Clauses Consolidation Act?—I was a land agent at one time, but I have now given it up.

1689. But you know that under the Lands Clauses Consolidation Act, compensation is assessed to owners in respect of land taken for the purpose of forming railways, and so on?—Certainly.

1690. In your opinion, might a similar provision be applied with great advantage to the settlement of the compensation for such mill dams as it might be thought desirable to purchase?—Yes; but I think that Boards of Conservators would find a difficulty in raising money to make fish passes at present, and if you compel the Boards of Conservators to purchase mills (and some of our mills in Yorkshire are very large and very extensive ones, and consequently very costly). I do not see how the boards can possibly avail themselves of that power; take the one at Tadcaster, the first on the Wharfe, which is paying a rental of 700 *l.* a year.

1691. Of course you would never dream of buying such a mill as that?—No; it is impossible; we could not find the money.

1692. That is a mill of great value, which belongs to Lord Londesborough?—Yes.

1693. In that case, although the mill is of that enormous value, his Lordship has consented to two feet being cut out of the crest of the dam, has he not?—Yes, he has.

1694. But speaking of mills of small value, where it appears desirable to remove them altogether, there, probably, the value is less than the cost of making a fish pass?—It is so. But, under the Act of Parliament, if you purchase a dam, possibly the owner might say, "Here is my mill and so many acres of land, and I will compel you to buy them, too."

1695. In such a case, you would not think of purchasing; you would leave it alone, or make a fish pass?—Yes.

1696. But in cases where it might be desirable to purchase a dam, you would do it?—Yes, under those circumstances, certainly.

1697. You think, do you not, that the machinery of the Lands Clauses Consolidation Act would apply in a case of this kind equally as in the case of land purchased for a railway?—Yes, it could be made so.

1698. But could a fish pass be made in every case without such interference with the mill or navigation as would occasion an injury?—Quite so.

1699. Will you be good enough to describe shortly to the Committee what will be done at this mill at Tadcaster which belongs to Lord Londesborough, when your fish pass is completed?—Mr. Roberts has suggested there that the opening should be made 24 inches wide, and 16 inches deep. That is to be cut out of the crest of the dam; and, by way of equivalent for the water taken away, I think he proposes putting an iron bar on the crest of the weir.

1700. According to the plan mentioned by Mr. Paterson in his evidence before this Committee last session?—As mentioned by Mr. Paterson.

1701. That is the plan that has been agreed to by Lord Londesborough?—Yes, and by the Corporation of Leeds with regard to their dam.

1702. Is there a mill connected with this dam?—Yes.

1703. What is the value of it?—I should say it is of equal value to the other which I have spoken of.

1704. £. 700 a-year?—Yes, it is a very large mill.

1705. Are they both corn mills?—Yes, they are very large ones, in the centre of a rich agricultural district.

1706. The mill alone, as I understand you, produces a rental of 700 *l.* a year?—I should say that it at least approximates to that.

1707. Is any provision made for closing that fish pass at any time or not?—Yes, when the water falls below the crest of the dam there is, I believe, a floating sluice which closes the gap entirely.

1708. That has not been constructed yet, has it?—No, it has not.

1709. The design is that of Mr. Roberts the engineer, I think I understood you to say?—Yes, I may state that the design has been submitted to the engineer of the waterworks at Leeds, and he entirely approves of it.

1710. He is the engineer acting for the Leeds Corporation who own the waterworks and weir?—Yes, it is Mr. Filletter.

1711. I suppose that a fish pass is most valuable when the river is pretty full with something above the average volume of water?—Yes, it is then that the fish pass is most essential.

1712. In your opinion, should the inquiry to be made by the Special Commissioners embrace the question who is to bear the expenses of the fish pass?—Yes, I think it should.

1713. The answer to that inquiry would of course depend mainly on the question of the legality or the illegality of the obstruction?—Entirely so.

1714. Then would you as at present give a right of appeal from the decisions of the Commissioners?—Certainly I would.

1715. And unless their decisions were appealed against there would be no litigation?—Just so.

1716. And do you think that an inquiry of that kind may be better conducted by a court constituted as the Special Commissioners are, than by a trial, for instance, at the York Assizes?—Yes.

1717. I think during the York Assizes, which have just terminated, you had the honour of waiting as a special juryman for several days?—Yes.

1718. You know, do you not, that a great many cases were taken there for trial, and after witnesses had been summoned from all parts of the country and waited for several days, the cases were made remanets?—Yes.

1719. That kind of thing could not happen if an inquiry were made by the Special Commissioners, could it?—No.

1720. And moreover the inquiry would be held in the immediate locality of the dam?—Yes.

1721. Is it also your opinion that the expense

Mr. J. H. Phillips. 29 March 1870.

of such an inquiry as the Special Commissioners would make is very much less than that of any other mode of investigating the legality of a dam?—Yes, that is my belief.

1722. Is that belief gathered from your experience, embracing among other things what you saw at the York Assizes last week?—Yes.

1723. I believe that your Fishery Boards have been in operation for three or four years in Yorkshire?—Yes, they have.

1724. Will these Fishery Boards continue in operation, do you think, unless some additional powers are given with regard to the passage of fish over those obstructions?—I think the Fishery Boards will gradually die out.

1725. Do you find it difficult to keep them alive now?—Yes, we do.

1726. If compulsory powers were given to construct fish-ways over dams, and they were made efficient, do you think there would be any difficulty whatever in raising all the needful funds?—No, I think not.

1727. You would raise that money partially by license duties, I suppose?—Yes.

1728. And partly by an improvement rate?—And partly by an improvement rate.

1729. Have you in that part of Yorkshire, especially in the Derwent district, a drainage rate?—Yes.

1730. Those rates are levied for the purpose of improving the Derwent, so that the lands subject to flood are drained to a considerable extent?—Just so.

1731. In your opinion, might a somewhat similar principle be adopted in the case of the riparian owners who would benefit either by the removal of dams or the construction of fish ways over them?—Yes, of course, it would have to be varied according to the amount of benefit that would be derived.

1732. Take the Ure for example; the persons living above Lord Bolton's towards the upper portions of the river would be assessed at a smaller rate than others below, would they not?—Yes.

1733. Would you make the rate depend on the frontage, or would you endeavour to assess the value of the fisheries to some extent?—Yes; I should endeavour to assess the value of the fisheries, because in the case of frontage some owner might not derive the benefit that the adjoining owner would.

1734. Would it not be exceedingly easy for persons interested in that district to agree upon a rate that would be tolerably equitable and fair?—Yes, with one exception.

1735. What is that exception?—Except with regard to the estuary, where the public have the right of fishing.

1736. There you must of necessity depend on the license duties?—Yes.

1737. Would you regulate the license duties so that they would bear a fair portion of the burden?—Yes; I think that the board should have power by bye-laws to vary the license duty, because the estuary fishers reap the great harvest from the fishing.

1738. Of course the mode of taxing them would be by increasing the license duty?—Just so; by increasing the license duty.

1739. I asked you a little while ago about the power of purchasing weirs and mill dams, but I did not, of course, intend my inquiries to extend to important weirs such as those at Wetherby and Tadcaster, but I dare say there are one o two weirs in that district which you think i might be desirable to buy up?—Yes, there are a few.

1740. And, I suppose, that you would desire power to construct compulsory fish ways over others, if necessary?—Just so.

1741. Now, with regard to the levying of rates and of increasing the license duties, is it necessary do you think, that any change should be made in the mode of constituting the Boards of Conservators; at present, as you know, they are elected by the courts of quarter sessions?—Yes.

1742. Do you think it desirable that the system should be changed?—I have not given that subject much consideration.

1743. Have you heard any complaint made with regard to it?—None whatever.

1744. But if there should be the power of taxing the fishermen in the estuary, is it not probable that they would ask to be represented on the Fishery Board?—Possibly they would.

1745. Would you leave the power in the hands of the Fishery Board absolutely, with regard to the amount of license duties, or would you have any controlling authority?—I am scarcely prepared to give an answer to that question.

1746. It has been suggested by the last witness Colonel Hutton, that there should be a maximum inserted in the general Act of Parliament, and that there should be a discretionary power within that maximum; would that work well do you think?—Yes, I think it would.

1747. Have you any complaints in your district with respect to the annual close time; is there any desire that the annual close time should be altered?—The tidal fishermen last year made a complaint to me to the effect that they wished the annual close time to be postponed; that is to say, from the 31st of August to the 15th of September.

1748. They asked for 15 days later?—Yes.

1749. Taking off fifteen days at the beginning of the season?—Yes; they said that they would give up a month at the beginning of the fishing season for 15 days at the end of it.

1750. Have your board formed any opinion with regard to the propriety or otherwise of conceding that application?—The matter was brought before them, and the board thought they were scarcely in a condition to judge of the question.

1751. They neither approved nor condemned the suggestion?—No.

1752. Have you any suggestion to make to the Committee on that point?—I may as well mention the private conclusion which the board came to. They thought that if the river eventually became opened up, they would perhaps entertain the question, for they would be able to ascertain whether the salmon went up in larger numbers or not.

1753. Until those unhappy weirs are removed or surmounted, even that point is left in abeyance?—It is.

1754. If it should be deemed advisable to alter the close season, do you think that power in that particular should be given to the Boards of Conservators to decide the question?—I imagine that it might be met by a bye-law, and that bye-laws should be subject to some controlling power, such as a board sitting in London.

1755. Have you thought of the court of quarter sessions, as a fitting tribunal to decide upon

upon such matters?—I think that the quarter sessions have so many other things to do that they would perhaps not be able to give the subject due consideration.

1756. You would prefer some other authority, I suppose?—Yes, I should prefer some other authority, some controlling power in London, such as the Home Office.

1757. At all events you would prefer some controlling authority?—Yes; where a question could be attended to immediately.

1758. Then with regard to the weekly close season, have you anything to say to the Committee about that?—I should prefer it being extended to 60 hours, instead of 42 hours, as at present.

1759. When do you think it should begin and end?—I think it should begin on Friday evening at six o'clock, and terminate on Monday morning at six o'clock, that is 60 hours. I think that would give the anglers in the upper waters more fish, and I do not think that it would be to the disparagement of the netters either, because there would be more fish to go up the river to spawn.

1760. You think that it would be no disadvantage to them if that arrangement were carried out?—None whatever.

1761. I believe that you have experienced some difficulty in Yorkshire, with regard to the arrangement of your fishery districts; should some further powers be given, in your opinion, more than the Act of 1865 gives you, to unite or sever, or re-arrange fishery districts?—Yes, we have found the Derwent district so small that we can rarely get the board together.

1762. Do you think that some general power with regard to that should be given to courts of quarter sessions, or where would you have that power vested?—I think that power should be put into a new Act of Parliament for merging and re-arranging districts.

1763. But to whom would you give the power; would you give it to the boards themselves?—If a local board asked for a rearrangement, I think it should be referred to the board in London.

1764. If you wished to add something to the Derwent fishery district, to whom would you give that power?—I should refer it to the Home Office.

1765. You think that the central authority should have a general power to alter and vary, and so on?—That is my opinion.

1766. Do you think that the owner of a mill dam should have the power to net within 100 yards of it?—No; I think that he should be debarred from netting for 100 yards, both above and below the dam.

1767. Does anything suggest itself to you with regard to the size of the mesh of nets?—No; that question has never been entertained at our board.

1768. Is it desirable that whenever an artificial outlet is made from a river, such as a mill-race, or anything of that kind, there should be gratings placed?—I think that is very needful.

1769. In all cases, would you have gratings at the head-race of the mill?—Yes.

1770. And at the tail-race also?—Yes.

1771. Opening them at certain times of the year?—Yes.

1772. You would not require that they should be opened at the tail-race, except when the fish are running upwards?—Just so.

1773. Do you think that the miller should be required to place those gratings there?—They do so voluntarily in the great majority of instances at present.

1774. That is done for their own purposes, I presume?—Yes.

1775. Taking the gratings at the head-race, are they usually near the mill or at the commencement of the race?—They are usually near the mill.

1776. As I understand you, you would place the gratings at the head of the race?—I think that at the head of the race would be the preferable position for them.

1777. So as to prevent the fish coming down into the race?—Just so.

1778. Mr. *Knatchbull-Hugessen.*] In answer to a question from the Chairman, I understood you to say you thought that selfish considerations might influence the millowners in wishing to maintain their dams?—Yes.

1779. Do you not think that the millowners might possibly say with equal justice, that selfish considerations might influence the fishermen in wishing to remove the dams?—Possibly so.

1780. Is it not really with regard to the public in such a case a fair question, whether the property in the mill or the property in the fishery is the most desirable to be maintained?—I think that a fish-pass may be made without injury to the milling power.

1781. But it is not necessary to impute selfish considerations, either to one class or the other, is it?—I know of one or two cases where the fish are detained at the foot of the dam, I believe entirely for the purpose of taking them.

1782. Now with regard to the Special Commissioners being a preferable court to the ordinary tribunals of the country, have you any other reason for saying so than that which you gave in answer to the Chairman, namely, that the pressure of business at the ordinary courts is such that greater and fuller consideration might be given to these questions by the Special Commissioners than by the ordinary courts?—Entirely so. If there was a board constituted in London, I think better consideration would be given to the subject of fishery matters than by the common tribunals of the country.

1783. Is that your only reason; you would not object to a trial by the ordinary tribunals of the country save that, as in the instance of the York Assizes, the pressure of business is so great that the questions could not be disposed of with equal speed?—No; if you hold a court near the subject of inquiry, I think you get around you all the persons who can give evidence with regard to the matter of inquiry far better than if you had to drag them to York, there to remain several days before the inquiry comes on. But, independently of that, I think a fishery board duly constituted would be better able to enter into the question than any other court.

1784. Carrying that argument to its legitimate conclusion, does it not follow that, in every case of local grievance, a special local court would be a speedier method of attaining a decision?—No, I scarcely think that. My impression is, and has been for a long time, that there ought to be a fishery board constituted in London on the basis of the Poor Law Board.

1785. A general board, you mean?—Yes; a general board, to which all fishery matters should be referred, through the inspectors; there should

Mr. *J. H. Phillips*

29 March 1870.

be an inspector for England, another for Ireland, and another for Scotland, who should take their instructions from the board in London, and whenever any legal question arose, the Fishery Board in London should then make a circuit and inquire into those questions, and settle them at their own place.

1786. I may sum up your evidence thus, that you consider the subject of the salmon fisheries such a special subject that it had better be dealt with by a special tribunal?—Yes.

1787. Mr. *Herbert.*] And that tribunal would be for the three kingdoms, Scotland, Ireland, and England, and sit in London?—Yes.

1788. You would have a large expense in bringing over witnesses from Ireland and Scotland to England, would you not?—I stated previously, that the Commissioners, or the board in London, should make a circuit of inquiry into the matters on the spot.

1789. But had you not much better leave it alone, our Fishery Commissioners working very well in Ireland, and not bring them over to England?—Possibly so.

1790. Have you ever heard how the Irish Commissioners are working?—No; only by reports that I have read.

1791. Do you think that it would be a great mistake to alter a system which is now working very well, to bring the whole thing to London, where we do not know it might work so well?—It is a matter for consideration, possibly.

1792. Do you not know the fact, that the Irish fisheries and the English fisheries are quite different?—They are in many instances.

1793. And that while in one country the fisheries are improving very much, in the other country the fisheries are almost entirely destroyed; is not that so at the present moment?—Because the English fisheries have been so far neglected.

1794. But is not the case what I have said?—It is so.

1795. Mr. *Pease.*] You have stated, I believe, your opinion, that 60 hours' close time, that is to say, from Friday night to Monday morning, would be a great improvement on the present system?—Yes.

1796. Would it not be a still greater improvement to have the close time divided into two, that is to say, taking Thursday as the close time and Sunday as the close time?—Yes, probably that would answer equally well.

1797. Would you have the same hours of close time at all points of a river?—A question might arise with regard to the estuary fishermen, because they can only fish during certain times of the tide.

1798. But presuming that you carried out your scheme of having 60 hours close time from Friday to Monday, and that that applied to the estuary, do you think that the same would apply to riparian owners all the way up?—I think it would apply to the riparian owners; I do not know as to the estuary fishermen.

1799. Mr. *Lowther.*] I understood you to say that fish passes could be made everywhere and anywhere, so as not to interfere with the milling power or the navigation?—Yes.

1800. On what do you found that statement; on your own experience?—No, I state that from what I have heard, and the little I know of hydraulics.

1801. You do not mean to say that you would apply one particular pass to every river do you?—No; a pass would vary according to the weir.

1802. You are very anxious that Boards of Conservators should have the power of making bye-laws?—I am.

1803. Now, with regard to Sutton, is there a famous mill dam at Sutton, on the Derwent?—Yes.

1804. I believe that there were some cloughs or sluice-gates in the mill dam?—Yes.

1805. Which kept up the head of the water in the mill-pool and supplied the milling power?—Yes.

1806. Was any notice ever given to anybody to remove those cloughs?—Yes.

1807. To whom?—To Lord St. Vincent and to the occupier of the mill.

1808. Who gave that notice?—I did, on behalf of the board.

1809 Have you considered the effect on the working of the Sutton mill, and the navigation of the Derwent, if those cloughs were removed?—If the cloughs were removed, of course the milling power would be destroyed.

1810. That is to say, by letting the water run off?—Yes.

1811. Therefore, the head of water now available for milling purposes would be totally lost?—Entirely.

1812. And the navigation of the Derwent would be damaged by their removal, would it not?—It would.

1813. What would be the effect of the removal of the cloughs on the depth of the river?—It would reduce the height of the water, I should say, three feet, if the cloughs were removed.

1814. The current of the river at Sutton is very strong, is it not?—It is.

1815. Do you think that the salmon would be able to get up the stream over the mill dam, while the stream was rushing against them, if the cloughs were removed?—If the cloughs were removed entirely, I am certain that the salmon would be able to get up the river with perfect ease.

1816. Is there not another fishery at Sutton?—Yes, there is a lampern fishery.

1817. Is that a valuable fishery at all?—No, I think it is not of any moment.

1818. Do you know whether it is, or whether it is not?—I only know from some observation when I have been there, that there is a fisherman who occupies his spare time in fishing for these lamperns, and when he has caught a good number he exports them. They are sold for bait for cod fishing.

1819. What do you call a good number?—I should say five stones.

1820. Would the opening of those cloughs improve that fishery?—I should say that it would destroy it, and that the lamperns would go further up.

1821. Did you ever try to get a Forsyth fish ladder made at Sutton?—No, we never did, because Lord St. Vincent refused to let any one come near the dam.

1822. You did not try to get a fish ladder there then?—We applied to his agent, and he wrote a very indignant letter, stating that if we attempted to build a fish ladder, he should apply to the Court of Chancery for an injunction to restrain us from doing so.

1823. But has it ever been talked about at the board?—Yes.

1824. And

1824. And has it been recommended?—Yes, it has been recommended.

1825. Do you think that the Forsyth ladder is a good ladder?—Yes, I think so; I think that they have been very successful in Ireland.

1826. Do you know what the inspectors think about the Forsyth ladder?—I have not had any conversation particularly with the inspectors on that subject.

1827. You have never consulted them about a Forsyth ladder in that particular part of the country?—At the time the matter was brought before the Board Mr. Ffennell was the inspector.

1828. (*Chairman.*] That was before the year 1865, then?—Yes.

1829. Mr. *Lowther.*] If the cloughs were removed, what fall would the removal of the cloughs produce?—I can scarcely say. It would greatly depend whether the entire portion of the stone-work was removed or not.

1830. Colonel *Edwardes.*] I understood you to say that you were extremely anxious that there should be one supervising power established in London?—Yes.

1831. Am I right in saying that at the present moment there are two powers, namely, the inspectors and the Commissioners?—Yes.

1832. Instead of those two powers you wish only to have one?—Yes.

1833. So as to avoid dissensions; for, however they might wish to pull together, they might not exactly do so on every occasion?—To be sure.

1834. Would you give them, to use an expression which has been used before to-day, a roving commission, or would you make them a fixture in London until they were summoned to inquire in any particular district?—Yes, entirely so.

1835. They would merely be referred to as the Poor Law Board in London are until they were summoned on a particular occasion into a district?—Exactly so.

1836. Would you make them entirely distinct from any other office in London, or put them under say the Home Office?—I would put them in the same relative position as the Poor Law Board.

1837. Responsible to themselves alone?—Responsible to themselves alone, with the proviso that they should report to Parliament.

1838. They should be the sole supervising power you think?—That is my view.

1839. Colonel *Amcotts.*] Would you allow an appeal from this proposed Fishery Board?—Yes, to the superior courts.

1840. Mr. *Liddell.*] Touching this special department in London to superintend the fisheries, would you propose that they should superintend the whole of the sea and river fisheries of the United Kingdom?—No; I think that the sea fisheries should be separate. I speak of the salmon fisheries.

1841. Your remarks merely apply to the salmon fisheries only?—Yes; of course that is appurtenant to the sea in one respect.

1842. You were asked by an honourable Member whether you thought this board ought to form a department or branch of any existing department or be a separate board; and I understood you to say you would form a separate board?—Yes, I should have a separate board.

1843. But do you not think that Parliament would require that such a board should be in some way or other represented in Parliament; has that difficulty occured to you?—No, it has not.

1844. The Poor Law Board, as you know, is represented in Parliament?—Yes.

1845. Do you not think that a board with those extensive powers would have to be responsible to somebody?—If the Legislature thought so, certainly.

1846. You wish the Boards of Conservators to have the power of assessing the license-holders?—Yes, that is my wish.

1847. Then have the Fishery Boards any means of ascertaining the earnings of the license-holders which would enable them to assess the *ad valorem* duty which they would have to pay?—No, I do not think that they can arrive at any correct estimate, because the men are loth to give information as to what their takes are.

1848. Then do you not think that some injustice must occur under this system?—You will always find that the plums are taken at the lower parts of the river.

1849. Would you propose that the license-holders should be represented on the Board of Conservators?—I have not paid any attention to that, and I am scarcely able to give you a reply.

1850. Mr. *Assheton.*] I think you stated just now that the inspectors and Commissioners are two distinct powers?—Yes, they are separate powers at present.

1851. But they are not necessarily rival powers, are they?—I do not know that they are.

1852. Are you aware that their duties are quite separate and distinct?—They are so.

1853. In fact there is not the least reason why the inspectors should interfere with the Special Commissioners, is there?—I do not know that there is any such reason.

1854. Your answer, I think, gave the impression that there were two separate bodies exercising the same powers over the same district?—I imagined that the fishery matters would work better if the two were merged into one body.

1855. Which would you do away with?—I can scarcely give you an answer to that question; they have both done good work.

1856. But I understand you to say that you do wish to amalgamate them?—I do.

1857. On which model would you constitute your amalgamated body?—I should take the Special Commissioners as a model.

1858. I wish to ask you about the weir which I understood you to say you have cut a nick in; were those operations begun in consequence of some evidence that was given before the Committee of this House that sat last year?—I do not know. Mr. Roberts, civil engineer at Galway, was asked to give the board some contrivance of that nature, and he gave this plan. I do not know if he was influenced by anything in that evidence.

1859. When did you obtain that information from Mr. Roberts?—I obtained the plans from him, I think, in the early part of October last, but he visited the weirs and settled the plans in June.

1860. Have you read the evidence given before the Committee last year?—I have.

1861. Did you there see a suggestion about putting a bar on the top of a dam?—I did.

1862. Are you carrying out some such plan on this weir?—Mr. Roberts thought a bar unnecessary.

1863. Do you propose putting a self-acting valve of any kind in that pass?—Yes; that is part of his drawing, but he will explain it better himself.

Mr. *J. H. Phillips.*

29 March 1870.

1864. I understand you to say that the works are not completed?—No; they are not commenced.

1865. Mr. *Herbert.*] You mentioned just now, in answer to a question put to you with respect to the Sutton Weir, that, if you remove the cloughs, the salmon would be able to get up; and then, in answer to another question, what would be the fall of water, you said you did not know; how can you reconcile the two statements that the salmon would be able to get up, you not knowing the strength of the stream, or the fall of it?—For this reason: that when you remove the cloughs, you take away the barrier; and if the river were reduced in volume, the salmon could run up with the greatest ease.

1866. But you do not know the strength of the stream?—No; but I can imagine it.

1867. You rest it entirely on imagination?—Certainly. I know a case at Malton where a dam was removed exactly of a similar kind, where the water was reduced in volume, and there the salmon can certainly run up.

1868. *Chairman.*] You were asked by the Right honourable Member for Sandwich a question with regard to a previous question referring to the possible selfishness of a miller, and you said that you knew of cases where the fish were detained by the dams entirely that they might be taken out by netting?—Yes.

1869. That is within your own experience, is it not?—Yes.

1870. You were, I think, also asked if it was not a question whether the mills or the fisheries should be maintained?—Yes.

1871. Has that mode of putting the question ever been adopted by your board?—No.

1872. Has it ever occurred to you?—No.

1873. Do you understand the question to be, whether the mills or the fisheries are to be maintained?—I think both may quite well be maintained.

1874. In your opinion, is it not perfectly consistent with what your fishery board desire, with regard to the improvement of the fisheries, to maintain unimpaired the value of the mills?—Yes, exactly so.

1875. In your opinion, will the mills be deteriorated in value in the slightest degree by what your board propose and suggest?—Not one farthing.

1876. Is there a man connected with a fishery board in your experience who ever suggested that one should be sacrificed to the other?—Certainly not.

1877. Has the question ever before been presented to you in the form in which it was presented to you by the honourable Member for Sandwich?—Never.

1878. In your opinion, both mills and fisheries may be maintained with great advantage to the country?—Yes.

1879. With no injury to the milling interest, and great advantage to the fishing interest?—Yes.

1880. And that would result in great advantage to the country generally?—Yes, no doubt.

1881. Apart from the extraordinary pressure at the York Assizes which have just terminated, is it your opinion that questions of this kind can be better inquired into by a tribunal like the Special Commissioners than by going to the assizes?—I think so.

1882. Is it not the normal condition of things at the assizes that persons are kept there many days before their cases come on?—Yes, I have known a case where they were kept for six days.

1883. In point of fact, many such cases occur, do they not?—Yes.

1884. Whereas, if the Special Commissioners, or any other body, should go down to hold a local enquiry it would be held near the *locus in quo* at a specified hour on a specified day?—Yes.

1885. Besides which, the business would be proceeded with at once without interruption?—Yes, certainly.

1886. And that would be disposed of with less expense, and more expeditiously than if it were carried to any of the existing courts of the country?—I think so entirely.

1887. You have suggested a General Fishery Board which should sit in London, is it your opinion that such a board for the United Kingdom would be a very valuable one?—I think so.

1888. Would you have upon that board an engineer who was conversant with the construction of weirs?—Yes.

1889. And probably a good lawyer?—Yes.

1890. It has been suggested that there should be some one who should be responsible in Parliament for that board; to meet that suggestion, would there be any difficulty in making the Secretary of State, or the Under Secretary of State for the Home Department, or the President of the Board of Trade, or any other official who has a seat in Parliament, a member of that Fishery Board?—No, I think it would be an admirable plan.

1891. My honourable friend the Member for Kerry seemed to think that you were going to take something away from Ireland; did you intend that?—No, far from it.

1892. At all events, you desire that there should be a perfect union between the different portions of the country?—Certainly.

1893. You propose that the board in London should require the inspectors to work out matters of detail under them?—Yes.

1894. You propose that there should be separate inspectors for England, Ireland, and Scotland?—Yes.

1895. With regard to the existing Special Commissioners and the inspectors in England, I do not understand you to propose that one should be entirely superseded by the other?—No.

1896. But merely that there should be a redistribution of the fishery arrangements of the kingdom?—Yes.

1897. You have told us that both the Special Commissioners and the inspectors have already done good work?—Yes.

1898. Is it your opinion that all or both of them might do good work in connection with any different arrangement embracing both of them?—Yes, I think so.

1899. The honourable Member for Westmoreland asked you with regard to the Forsyth ladder; do you like his plan as well as that put before you by Mr. Roberts?—Yes, the principle of both is the same.

1900. You think that both are very good, do you not?—Yes, I do.

1901. Mr. *Knatchbull-Hugessen.*] May I take it that you well understood that my question with regard to the comparative value of a fishery and a mill-dam related entirely to the case of a mill dam

dam which a fishery board might wish to remove at the instance of those interested in the fisheries, but which the millowner might wish to retain for the purposes of his business?—Yes, now that you explain it so.

1902. Therefore a general statement that the existence of mill property and of good fisheries, is not incompatible, is not a statement which in any way affects my question?—No, I do not think that it does, as you now put it.

Mr. *J. H. Phillips.*
29 March 1870.

Mr. Arthur Mostyn Owen, called in; and Examined.

1903. *Chairman.*] You reside at Erwy, near Ruabon, do you not?—Yes.

1904. You are Honorary Secretary to the Dee Fishery Association?—Yes.

1905. You were secretary to the association that existed before the passing of the Act of 1865?—Yes.

1906. You represent not merely the upper proprietors of the Dee, but also those of the Severn?—Yes.

1907. You have had great experience in angling yourself, have you not?—I have.

1908. Have you heard the evidence given by Mr. Phillips, who has just been examined?—Yes.

1909. Do you agree with Mr. Philips in the evidence he has given?—In most points I think I do.

1910. Are there many points on which you disagree with him?—I cannot recall them offhand; there were some few small points as to which I disagreed with him, but nothing particular.

1911. As I understand you in the main and most important portions of his evidence, you entirely agree with him?—Yes.

1912. Will you kindly give the Committee your views as briefly as possible, with regard to the amendments of the Acts of 1861 and 1865. Will you be good enough to point out any particulars in which you differ from the last witness, and add to his evidence any points that you think ought to be brought before the notice of the Committee?—I think the last witness mentioned that he advised a weekly close time of 60 hours; in addition to that I would add that the upper men of the Severn and the Dee are of opinion that netting in the fresh water parts of rivers should cease at six p.m. or eight p.m., and not commence again until six a.m. next morning.

1913. That in fact there should be no net fishing at night in fresh waters?—Yes, that there should be no net fishing at night in fresh waters. That is the same law that holds good in Ireland.

1914. Will you kindly proceed to other points?—On my receiving your notice to attend to give evidence, I informed the upper men of the Dee and of the Severn, that I intended to do so, and they wrote a letter to me on the subject, authorising me to express their views.

1915. Will you be kind enough to state their views?—They are of opinion that the fish should have free access to the upper parts of the river at all seasons, as well as during the spawning season. "That this cannot be effected unless it be enacted in the contemplated amendments of the salmon fishery laws, that there shall be an extension of the weekly close time to at least 60 hours. That there shall be no netting for salmon or other fish above the tidal flow in rivers between 6 p.m. and 6 a.m. (that is to say, in the fresh water parts). That there shall be no fishing in any fish-pass or free gap. That there shall be no fishing within 200 yards of any weir or dam." They fix that distance because they are aware of some pools where salmon lie and rest, previous to ascending weirs, which pools are more than "one" hundred yards from such weirs.

Mr. *A. M. Owen.*

1916. Do you agree with them in that opinion?—Quite. Then they proceed thus: "That there shall be no transfer of licenses."

1917. At present you find that the holders of licenses in the estuary do transfer them, I suppose?—Yes, they transfer them to such an extent that they have decreased year by year since 1868. In the year 1866, there were 42 (I am speaking of the licenses in the salt water). In 1867, 52, in the year 1868, 69, in the year 1869, 47, and this year, only 13 up to this date. They have learnt how to make one license do for four, five, or six sets of men.

1918. Does that diminution in the number of licenses at all represent the diminished fishing?—No, there are quite as many men employed in fishing, if not more.

1919. What is the next point which they raise?—The extension of the weekly close time.

1920. The last witness suggested that it should be 60 hours; do you agree with him?—Yes; the upper men are decidedly agreed with that, above and at Shrewsbury, they have this year had six salmon only this season. The Conservators of the Severn state that they will resign. I have a letter from the Chairman of the Dee Conservators, suggesting that the Board should dissolve, if they cannot get some fish. They had none at all in the upper parts of the river last season.

1921. On the 7th of December last, at a meeting of the Conservators of your fishery district, you resolved that after four years' experience, the Board felt compelled to decide that unless special and immediate legislation be enacted, it cannot fulfil its duties, and will therefore be compelled to dissolve?—Yes.

1922. And is that the universal feeling of your Dee Board?—Yes; they say that it is useless to go on.

1923. Will you be kind enough to mention the other points of which you and they complain?—I am told in a note from the Severn upper proprietors and fishermen that the Upper Conservators of the Severn will resign unless they obtain some amended legislation.

1924. Will you please to proceed with the other points which you have to bring before the Committee?—Last season, in one of our principal passes on the Dee, rod-fishing went on the whole of the time because the pass had not been approved by the Home Office.

1925. Under the Act of 1861 you may fish with rod and line anywhere, but you would preclude the fishing with rod and line in a pass or near it?—Yes.

1926. And you would extend the 50 yards in the Act of 1861 to 200 yards?—Yes, to all dams; not only to those which have fish passes on them, which have been approved by the Home Office, but to all dams.

Mr. *A. M. Owen.*

29 March 1870.

1927. Do I collect from you that under all circumstances you would preclude fishing of any kind within 200 yards of a dam?—No; it is not necessary to preclude angling within more than 50 or 60 yards, but certainly it must not be allowed close up to the dam. I have seen the fish scared away from entering a fish pass by anglers fishing, or pretending to fish, near the fish pass.

1928. You would exclude fishing altogether within 50 yards, and with anything except rod and line between 50 and 200 yards?—Yes; I do not think that the fish can get up unless they have a much better chance than they have now.

1929. We have been told that that would amount to a confiscation of property, do you agree with that opinion?—It is for the benefit of the whole community, and you must have restrictions of some kind, if the salmon fisheries are to be improved.

1930. Then what is the next point?—I may mention that the principal license holders below Chester are of opinion that it would be for their benefit if the transfer of licenses was prevented. Now their licenses are frequently used by other people; not for their benefit, but for other people's.

1931. The Committee may take that to be the opinion of many of the license-holders themselves, as well as the opinion of the upper proprietors?—Yes.

1932. Do you wish to give the Committee any reasons for suggesting an extension of the weekly close time to 60 hours?—At present, upper men of both the Dee and the Severn are so disheartened and disgusted with the present state of affairs, that they say they will resign; that they do not wish the salmon in their waters, that they would rather they were exterminated; that their trout fisheries are much injured by the presence of salmon, and that they would rather have the trout fisheries, than no salmon at all during the fishing season.

1933. Why do you desire that net night fishing should be entirely prohibited in fresh waters?—It is very hard to see that the netting is carried on legally; and besides that, it is under that regulation, that the Irish fisheries have improved so much; I have been told by Irishmen on the Shannon, that if it was not for that law on the Shannon, there would now be scarcely a fish in that river.

1934. You think that a large amount of illegal fishing takes place at night?—Yes.

1935. Of course, that would be prevented by forbidding all fishing at night?—Yes; there was a law of that kind, but it does not apply to salmon, it was repealed by the Act of 1861.

1936. You desire to see the English practice assimilated to that of Ireland?—I do; because it has answered so well in Ireland.

1937. In connection with the dams, do you know that at present, there is a great waste of water by the millers and persons who are the owners of those dams?—I do; I know many mills where there is as much water wasted as would supply any fish-pass.

1938. What remedy would you suggest for that?—I would suggest that the millers should be compelled to keep their works in order; they have no right to waste the water.

1939. You would propose that they should merely draw from the river the quantity of water which they require for the use of their mill?—Yes; the mills which I mean are mills where, when they stop on Sunday, or when they are not at work, as much water goes through the weir and mill as would supply a fish-pass, merely because their works are in bad order. I say that there would be sufficient water for the pass if the millers' works were in order, and if the fish passes were properly made.

1940. You would insert in any amendment of the law provisions to meet that case, as I understand you?—Yes, so that there should be no waste of water.

1941. You would have the whole of the water pass over the dam or through the fish pass, except when it is required for milling power?—It would naturally go to the fish-pass when it was shut off from the mill if the mill dam and mill works were in proper order.

1942. With regard to the present charge for licenses for nets, do you think that some additional power should be given to the Boards of Conservators?—Yes, I think that power should be granted to raise the price of the license; it is not sufficient, in my opinion.

1943. You think that the 5 *l.* minimum is too small?—Yes, I think the 5 *l.* is too small, considering that the men frequently catch more than that value of fish in a day.

1944. What do you propose in that particular?—I would leave it to the judgment of the board; say a maximum of 20 *l.*; not that they would be likely to put so much on. I have a record of one net catching 99 fish in a day.

1945. Would you confer that power on the Boards of Conservators, without any controlling authority, or would you have a central controlling authority?—I would have it subject to the approval of the Home Office, or some central authority.

1946. Have you any complaint in your neighbourhood of the way in which Boards of Conservators are nominated?—None whatever.

1947. Does the present system work well so far as your present experience extends?—Yes; I think that every interest is well represented. There are six counties, and there are six members for each county on the board.

1948. That is 36 members on your board?—Yes, that is, 36 members, and there are some *ex officio* members.

1949. Have the men who fish in tidal waters ever complained that they are not represented on the board?—No, never.

1950. On the whole you think they are satisfied?—The Severn Conservators live a good deal among them, and they think their interests are represented.

1951. But, suppose Parliament should, in its wisdom, confer on Boards of Conservators the power to increase the license duties, say to 20 *l.*, do you think that those gentlemen would be content to leave it entirely in the hands of persons who are nominated by the magistrates of the different counties?—I cannot say what their opinion would be, but I may state that I have heard some of the licensees say that they wish the price of the license was raised.

1952. But if you increased it from 5 *l.* to 20 *l.* they might tell you a different story perhaps?—Yes.

1953. Do you think that the Boards of Conservaters should be made elective?—No; I think that a great many of the present members of the board would resign rather than subject themselves to election.

1954. Speaking

1954. Speaking from your own experience should you say that all the persons who are now nominated on fishery boards are generally gentlemen who have a direct interest in the matter?—Yes; those who are now nominated on the fishery boards are chiefly proprietors on the river, and people who live on the banks of the river.

1955. I think you have stated that you have not heard any desire expressed that the board should be made elective?—None at all.

1956. What is about the length of the estuary of the Dee up to the limit of the tidal flow?—The length of the estuary of the Dee up to the limit of the tidal flow is about 15 miles from the commencement of the estuary.

1957. That is a little below Chester, is it not?—Yes, the river has been put into an artificial straightened state from Chester for about nine miles, and then it opens out into a large estuary. The tide does not come over the Chester Weir more than once a fortnight.

1958. You mean it does not ordinarily come above the Chester Weir?—Yes.

1959. Does the river extend above 90 miles?—Yes, to Bala Lake and above Bala Lake; it is about 100 miles without reckoning any of its tributaries.

1960. To what extent is netting carried on in the fresh water?—The tidal water is fished about 15 miles.

1961. And how much in the fresh waters?—About 40 miles odd.

1962. Is that done to any large extent?—Yes, for the whole distance; wherever it is possible to catch fish; the upper part of the water that is netted is fished with coracle nets. They take a "swim" of three, four, five, or six miles, and then go up and fish the water over again; these nets are on the move, so that the fish are met on the run.

1963. Mr. *Liddell.*] And pursued on the run?—No, the fish running up the stream and the nets going down, they meet the fish on the run.

1964. *Chairman.*] The netting all takes place at the Erbistock Dam, does it not?—Yes, it begins there, and has been tried above.

1965. What town is that dam near to?—The nearest town is Wrexham.

1966. It is situated between Llangollen and Wrexham, is it not?—Yes.

1967. The weekly close time suggested by the last witness was, from Friday night to Monday morning, and I understand you to suggest from Saturday morning?—It would make but little difference as far as I see, so long as Sunday is included. That plan would cause less loss of time for the net fishermen.

1968. The attention of the Committee has been called to the duration of the annual close time in Ireland; have you any observations to make with regard to that?—The English close time is shorter than the Irish close time. In my opinion that is a reason why the English fisheries are entitled to more weekly close time.

1969. Do you propose any alteration in the annual close time?—No, not if you give the other.

1970. But supposing the weekly close time remained as it is, would you suggest any alteration?—Yes, certainly; the fish cannot be expected to prosper if they are netted so hard.

1971. Let me ask you a question with regard to the mode in which net fishing is carried on in the estuary of the Dee.—Is that done by persons who take out licenses on their own account, or by persons who provide nets and boats and get people to fish for them?—A man takes out a license and gets two men to fish for him, whom he supplies with boats and nets, and they divide the profits equally between them; that is to say, the owner gets one share, and each man gets one share; it is divided into three parts. The licensee and his men divide the profits equally.

1972. And after they have fished for a tide, the license is transferred, is it not?—Yes, frequently to anybody who will give them 5*s.*; therefore, perhaps, in the course of the 24 hours that license is used by three or four sets of people who have nothing to do with the licensee, and are not going to give up the fish to the licensee.

1973. Do you propose to make the license personal?—Yes, I propose to make it personal; and I may state that the licensees themselves are of that opinion. I think that the small license should be personal, and that there should be another license for the net; besides, the small license should be something similar to a cab-driver's license.

1974. Should there be some legislation, in your opinion, with regard to the way in which the nets are used; they being now shot behind one another, so as to make a wall?—Yes, I have seen 10 or 12 nets so used as to overlap each other, and to form a complete wall across the river.

1975. Do you think that that practice should be forbidden?—I believe that in Scotland on the Tweed, it is forbidden.

1976. But whether that be so or not, do you think that it should be prohibited everywhere else?—Certainly.

1977. How would you propose to do that; would you do it by means of a bye-law applicable to each river, or by general legislation?—I think it should be by general legislation to the effect that such overlapping of nets should not be allowed in any river.

1978. I suppose you have not sketched out a clause which you can submit to the Committee on that point?—No, but it is very simple; it should be to the effect that no nets should be used within a certain distance of one another.

1979. And you would make that applicable to all tidal waters where net fishing is carried on?—Yes; I should propose that one net should be out of the water before the other is put in.

1980. You do not, I think, wish to explain to the Committee more fully the mode which you would recommend to be adopted with regard to the granting of licenses?—No; but I wish to call the attention of the Committee to section 37 of the Act of 1865, which ought to be altered in such a way that it would greatly prevent the transfer of licenses. By that section, a man is not obliged to produce his license.

1981. He is obliged to produce his license to a conservator or water-bailiff, is he not?—Not if he makes an excuse.

1982. You want it made absolute and unconditional?—Yes; absolute and unconditional, because they take advantage of that proviso.

1983. But my question had reference to the regulations that would be necessary if your suggestions be acted upon; if the licenses were made personal, how would you have it put into operation?—I think that the personal license should be a small one, 10*s.* or 20*s.*, quite separate from the net license.

1984. Would you license the boat?—Yes; I think

Mr. *A. M. Owen.* 29 March 1870.

think also that the man who takes out the license should not be allowed to employ a man who has not a license, the same as a cab owner cannot employ a man who has not a license to drive. I believe that that plan would please the generality of the licensees.

1985. Do you find that nets of an extraordinary length are used sometimes?—Yes, they use them of about the same length in the tidal waters.

1986. But, elsewhere, do you find that nets of extraordinary length are used sometimes?—Yes, I think there should be some legislation about the length of the nets.

1987. Are nets 150 yards long used occasionally where a river is not more than 60 or 70 yards wide?—Yes; they always look out for the narrowest parts of the river to use the nets in.

1988. You think that they should be restricted?—Yes, I think there should be a license dependent on the length of the net.

1989. You would permit the use of a long net, as I understand you?—Yes, if the nets were prevented being used too near to each other, the length of the net would not matter.

1990. Would you allow a net 150 yards long to be used where the river was only 60 yards wide?—The draught nets shoot out and turn round, and come back.

1991. You state in your note that in some cases nets 150 yards long are used for netting in a portion of the river where the breadth does not exceed 60 yards; do you think that that should be permitted?—Of course that net is much more destructive than a shorter net would be, but I do not wish to stop the net fishing.

1992. But would you provide that no net should be used of a greater length than the width of the river?—Yes, I think it would be advisable.

1993. You think that there should be a restriction with regard to the length of the nets used in the fresh waters?—Yes.

1994. Have you any suggestion to make to the Committee with regard to the proportion that the length of the net should bear to the width of the river; would a length not exceeding two-thirds of the width of the river be reasonable in your opinion?—I should say so.

1995. Now the netting in the tide-way begins some time after high water, and goes on until after the tide has flowed for some way, does it not?—Yes.

1996. And in that way a longer close time is imposed on the fishers in the tide way than others?—Yes.

1997. Do you think that they should have any compensating extension of time for that or not?—No, they have the first "cut" out of the fish, and they get plenty. At the low tides they are not stopped above an hour between each tide.

1998. Have you any suggestion to make to the Committee with regard to the trammel nets used in your river?—They used to be, but since the decision in the case of Dodd and Armour they are got rid of, but they are used still occasionally for flukes.

1999. But the case of Dodd and Armour has pretty well got rid of them otherwise, you think?—Yes, except "ostensibly for flukes."

2000. Do you think there should be some provisions in any Act of Parliament passed on this subject to prevent the use of trammel nets?—Yes, I think that the fishermen should be prevented from using the nets when it can be proved that they are not catching flukes or such like fish, or catching them only in such quantities that it does not pay them to fish for them.

2001. You have been kind enough to send me a sketch of the coracle net; is that a matter of any importance now?—It was merely to show how they command the whole river.

2002. Do you propose that there should be any alteration in the law, with regard to coracle nets?—They are a most destructive net, but I only wish to curtail the time of using them.

2003. Do you suggest to the Committee that there should be any legislation to prevent that?—No; it is the only way of catching the fish where the stream is too rapid and strong to catch the fish in other ways.

2004. Do you suggest an amendment in section 58 of the Act of 1865?—Yes; in that section it is not clearly stated what is forbidden. I think that the Act of Parliament should clearly state what is forbidden. I suggest that the word "boat" should be used.

2005. Have you had questions raised whether a boat is forbidden or not?—Yes; we have had the question raised before us, but it has never been decided on the Dee.

2006. The magistrates in my part of the country have decided that a boat is an instrument, and a boat consequently is forbidden; perhaps you are aware of that?—So I have heard.

2007. Have you any weirs on the Dee that occasion any considerable obstruction to the fish?—Yes, we have the celebrated Chester Weir.

2008. Have you any suggestion to make to the Committee, with regard to that weir?—No.

2009. I believe that you have had an inquiry lately by the Special Commissioners?—Yes; but it seems to me that nothing will be acted upon; it does not seem to me, from what I hear, that the owner of the fishery will be able to erect a fish-pass, to comply with the Act of Parliament.

2010. Can a fish-pass be made over it, so as to admit of the fish passing freely up to the upper portion of the river?—No, not so as to comply with the Act of Parliament. A fish-pass could be put on the weir so as to get up the fish over the weir at "lowish" tides, which they cannot do now; but with respect to putting a fish-pass there without a sufficient supply of water, it could not be done.

2011. Have you any other weirs on the river Dee, which offer considerable impediments to the passage of the fish?—The Erbistock Weir is 46 miles up the river above Chester.

2012. Have you made a fish-pass there?—Yes, and the fish go up easily. It answers the purpose perfectly; it is a sloping weir, eight feet ten high.

2013. Was that weir originally a mill dam?—Yes, a mill dam, and formerly a fishing mill dam.

2014. And you say that you have constructed an efficient fish-pass over it?—Yes; but it does not comply with the Act, that is to say, at certain times; at very low water it is dry, because the sill of the pass is not so low as the lowest part of the weir.

2015. But does it answer as a pass?—Perfectly; it lets the fish up whenever there is any water running through it.

2016. There is a mill there is there?—Yes.

2017. Of what rental?—The rent is about 50 *l.* a year.

2018. Has that mill been injured in the slightest

slightest degree?—Not the slightest; I should say the miller has gone and stopped the pass occasionally; it was only built on sufferance.

2019. He stops the pass when it suits his purpose?—Yes, he has done so.

2020. And of course, at such times, it is not very efficacious?—No, it is a dead lock then.

2021. Are any quantity of fish destroyed by the dam at such times?—No, it is only at very rare times; but I think there ought to be something to prevent it altogether.

2022. You think that there should be some legislation in regard to that?—Yes, otherwise it might be stopped to-morrow.

2023. Suppose that fish pass were destroyed, what would be the effect on the salmon fishery of the Dee?—They would be what they were before the year 1861; that is to say, that there would be a fish now and then in the river only.

2024. Do you not think that some provision ought to be made to avoid that?—Certainly.

2025. Have you any suggestion to make to the Committee as to what should be done?—Yes; so far as the mill is concerned, if the mill was in good working order there would be plenty of water for the mill and the pass.

2026. You think that the mischief which might be occasioned now and then, might be effectually prevented by proper legislation?—Yes.

2027. Have you any other dams on the river Dee which cause much obstruction?—Yes, there is one at Llangollen, 10 or 12 miles further up.

2028. Does the fish pass there answer the purpose?—Yes, only that at certain times of the year, when it is dead low water, it will be dry.

2029. Is there a mill there?—Yes; a flannel mill.

2030. Has that mill been injured?—Not the least; there has been no lowering of the weir.

2031. Have you any other obstruction on the Dee?—Yes; there is one higher up at a slate cutting mill, and there is an efficient pass there. The owner of the mill gave me leave to take out three inches from the crest of the dam at the head of the fish-pass; it is in the centre of the weir.

2032. Has that injured the dam in any way?—Not the least.

2033. It answers the purpose, does it?—Perfectly. But there again there is no water at all sometimes coming over the weir or through the fish-pass.

2034. If I understand you rightly, that is entirely by arrangement with the miller?—Entirely.

2035. Suppose that he should some day take a fancy to stop it all, he might do so, might he not?—Yes.

2036. In fact, it is a voluntary arrangement?—Yes.

2037. Are there any other fish-passes on the Dee of any importance?—None.

2038. With regard to the size of the mesh of the nets, are you satisfied with that at present?—Yes.

2039. The hang nets are not used in the estuary of the Dee at all?—No; they are using nets in much heavier waters than they used to do; they are now able in floods to fish in much heavier waters than they could some years ago; they use a larger mesh and more lead, and then the flood has not so much effect in lifting the net.

2040. You do not, as I understand you, object to the mesh of the nets at all?—No; but we want to curtail the use of them.

2041. Do you employ any considerable number of water-bailiffs on your river?—We vary; we are very badly off for funds.

2042. You employ as many as your funds admit of, I suppose?—Yes.

2043. Have you found any difficulty in your case, in consequence of the absence of any power being vested in the bailiff, to traverse the banks of the river?—We have never had any objection raised.

2044. The water-bailiffs are permitted to traverse the banks of the river, are they?—Yes.

2045. With regard to gratings at mill races, do you think it is desirable that gratings should be placed at those places?—Certainly; a great many fish are killed in mill races, both in going up to spawn and coming down; in coming up, the gravid fish are killed constantly in the tail race, but I have not seen the fish going down, so much injured.

2046. Mr. *Whitwell.*] How much money have you spent in attaching fish passes to weirs?—I should say that we have spent about 200 *l.*

2047. How was that money raised?—It was raised by subscription among the upper proprietors.

2048. Does the miller fill up the space in the dam, where he has cut the three inches, when the water is scarce?—No, he has never done that. When the water is very scarce it stops altogether below the crest of the weir.

2049. Mr. *Liddell.*] I collect from your evidence that your Conservancy Board is at the lowest depths of despair?—Yes.

2050. Has not the condition of the River Dee for two successive summers been in a purely abnormal state?—Yes, it is very dry in dry weather.

2051. In your long experience as a fisherman, did you ever see anything like the dry weather which we have had recently?—No, nothing like the last two years.

2052. It was very dry last summer, and much worse the summer before, was it not?—Yes.

2053. Has not that rather added to your despair?—Yes, it does not mend matters, but we knew that the fish were caught in the nets all the time.

2054. But do not the laws of nature themselves prevent the run of the fish when there is no fresh water to attract them from the sea?—No, I have seen the fish run at all times, in the very lowest state of the water.

2055. But as a rule the fish run when the water invites them to run, do they not?—Yes, but in fine large rivers they will move upwards at all times if they are allowed to do so.

2056. Has the diminished produce of the nets corresponded with the bad sport of rods during the last two summers in your river?—No, I find that the nets have done as well as ever.

2057. Clearly proving that the fish would have run if they could?—Yes.

2058. You attribute your diminished supply in the upper waters to the dams and the excessive netting in the very dry times which we have had?—Yes, that was exceptional; but the fish cannot get up with us, so long as the excessive netting goes on.

2059. With regard to the transfer of licenses, would you propose that the licensees' names should in all cases be attached to his net?—That would

Mr. *A. M. Owen.*

29 March 1870.

would be one mode of applying a check upon them. But according to the manner in which the license is used now, a licensee might have half a dozen nets and use them one at a time.

2060. But is there any good reason why making the license a personal license, say given to John Smith or John Jones, the name should not be attached not only to a net, or to half a dozen nets, as the case may be, but to every net that he is in the habit of using?—He might pay a license on each net.

2061. But would not that at all events be a check to a considerable extent against the transfer of the license?—Yes, if only his own servants were allowed to use his nets.

2062. You would not propose to license each particular net, as I understand you?—No.

2063. But that each man should be licensed, and have as many nets as he pleased?—Yes.

2064. Would it not be a considerable check upon him if his name (which would be a very simple operation) were attached to each net?—If a man was to pay a license for each net, he would be required to pay much more. He requires two nets, one to dry while the other is in use.

2065. But would not the fact of his name appearing on his net be a check against any one but himself using it?—Yes, decidedly it would make it only usable by the person who paid for it.

2066. Mr. *Assheton.*] I think you have not had any experience on either of your two boards with regard to general licenses?—No; there are none at all on our river.

2067. Have you, in connection with either board, had cases in which you have obtained convictions before magistrates, but where the penalties have been, in the opinion of your board, extremely small?—Yes, a great many cases.

2068. In any revised set of salmon laws, it would be desirable, would it not, that there should be a minimum penalty fixed in all cases?—Yes, in all cases.

2069. *Chairman.*] Does your fishery suffer by the abstraction of water for navigation purposes at all?—Yes; our fishery suffers very greatly by the water being taken, above Llangollen, for the use of the Shropshire Union Canal.

2070. That is under Acts of Parliament, I suppose?—Yes; under old Acts of Parliament.

2071. Have you any reason to suppose that the Shropshire Union Navigation Company use that power to an undue extent?—I know for certain that they use that power to an undue extent for purposes for which they have no legal right.

2072. That is to say, for purposes foreign to the purposes of navigation?—Yes. The Acts of Parliament give them the power to use the water for navigation only, and they sell the water in many ways.

2073. And contrary to the way provided for by the Act of Parliament?—Entirely.

2074. You are of opinion, are you not, that Parliament should interfere to prevent that?—Yes; it is so expensive a process for a private individual to go to law that it is almost impossible to induce him to do it.

2075. But if it could be done, you think it would be very desirable, do you not?—Certainly.

2076. Is there any other abstraction of water than that by the Shropshire Union Canal Company?—No, no other.

2077. Is there anything else that you wish to bring before the Committee?—No, I think not.

Friday, 1st April 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knight.
Mr. Assheton.	Mr. Liddell.
Mr. Dodds.	Mr. William Lowther.
Colonel Edwardes.	Mr. Pease.
Mr. Hambro.	Earl Percy.
Mr. Herbert.	Mr. Evan Richards.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. William Cuthbert, called in; and Examined.

Mr. *W. Cuthbert.* 1 April 1870.

2078. *Chairman.*] You reside at Beaufront Castle near Hexham, do you not?—Yes.

2079. That is on the banks of the Tyne?—Yes, on the banks of the Tyne.

2080. You are Chairman of the Tyne Fishery Board, I believe?—I am.

2081. Have you held that position since the formation of the board?—This is the third year that I have been chairman.

2082. I believe that you have had considerable experience with regard to the operation of the Salmon Fishery Acts of 1861 and 1865?—I have had some experience of their working.

2083. Before the passing of the Act of 1861, had the supply of salmon in the Tyne very materially decreased?—Yes; it had very materially decreased.

2084. In fact, it had become of comparatively little value, had it not?—Very small value indeed.

2085. Can you tell the Committee briefly, what you consider was the chief cause of that decrease?—The chief reason was that the salmon could not get up to the spawning beds, because the Bywell dam prevented their doing so.

2086. The Bywell dam was a very formidable obstruction as we have understood?—Yes.

2087. It was near Bywell, was it not?—Yes, just opposite Bywell Castle.

2088. And five or six miles beyond the limit of the tidal flow?—It was six or seven miles perhaps beyond the limit of the tidal flow.

2089. That dam was the property of Mr. Wentworth Beaumont, one of the Members for South Northumberland, was it not?—Yes; and it is through his generosity that it has been removed.

2090. What course did the honourable Member pursue on the passing of the Act of 1861?—He removed the dam without receiving any remuneration whatever.

2091. Was that dam connected with Bywell cornmill?—Yes.

2092. Had it been used for fishing purposes?—Yes; I have understood that there was a trap.

2093. It was a fishing milldam, in fact?—Yes, a fishing milldam.

2094. Can you tell the Committee what was about the value of the Bywell mill before the removal of the dam?—I cannot say accurately.

2095. It was a comparatively small mill, was it not?—I cannot say exactly.

2096. Is it used as a mill now?—I think not; at all events, it is not a water-mill; at least, I think not.

2097. I believe, upon that dam being removed, a landowners' association was formed by the riparian proprietors?—Yes, exactly.

2098. How did you raise the needful funds?—By means of a payment of one guinea for rod fishing, and by a yardage rental of a farthing a-yard for each side of the river.

2099. That was a voluntary assessment, was it?—Yes, it was voluntary.

2100. Was it levied at a rate of a farthing per yard continuously throughout the district?—Yes.

2101. This paper which I hold in my hand is a copy of the rules of the Tyne Salmon Fisheries Association, is it not?—Yes.

2102. The 11th rule states, that every member of the association shall pay an annual subscription of one guinea, and that a further subscription of a farthing for every running yard of the bed or channel of the river shall be paid by each ordinary member. Was that pretty generally acquiesced in by the riparian owners?—Not by all, but by 60 or 70 per cent. of them. I should like it to be understood that I am only speaking at random when I say that.

2103. I observe the rule goes on to say that where a fishery exists for the market, the committee shall, according to their discretion, arrange with the owner or occupier what contribution he shall pay?—I do not think that we ever got a shilling from that.

2104. Did you apply to them?—Yes; there was some application made, I think, but it came to nothing. The whole of the funds were raised by the people interested in rod fishing.

2105. At that time was there any very considerable amount of fishing in the estuary?—No; it was carried on to a very trifling extent.

2106. Did that occur because the sea and estuary fishing was of comparatively little value?—That is my opinion.

2107. How did you expend the funds so raised?—We had four police constables appointed under the command of the chief constable who managed the preservation of the river, four

Mr. *W. Cuthbert.* 1 April 1870.

additional constables, that is to say. We paid for them, but they were appointed specially by the court of quarter sessions for that purpose.

2108. And paid by you?—Yes; they were paid by the association.

2109. I think the water-bailiffs are nominated by the Tyne Board, are they not?—Yes; that is done under a clause in the Police Act.

2110. In the Act of 1861 that clause is referred to?—Yes.

2111. You avail yourselves of a proviso contained in the 27th clause of the "Salmon Fishery Act, 1861," to obtain the services of additional constables under the 3 & 4 Vict. c. 98, s. 19?—Yes.

2112. As I understand you, those constables are not paid by the country at all, nor out of the Consolidated Fund?—No.

2113. But out of your own funds?—Yes; we pay the chief constable, quarterly, the full charge of the cost of those men.

2114. I dare say you are aware that that is the course we pursue in the county of Durham also?—I do not know that.

2115. When was your fishery district formed?—It was formed on the 1st of May 1866, by a certificate from the Secretary of State.

2116. What are the present sources of your revenue?—Licenses from nets and rods, and general licenses.

2117. Can you give the Committee the amounts received under each of those heads in the year 1868?—I have not got the amounts, but I have the numbers. In 1868 the net licenses were 319 in number.

2118. The amount was 5*l.* per license, was it not?—No; we made a mistake by charging only 2*l.* for sea licenses, and 5*l.* for the others; we lost by that, and moreover it was not legal.

2119. You found that you had not the power to charge differential rates?—So we found from the law officers of the Crown; we received an intimation from the Fishery Inspectors that we were wrong, and in the following year we raised the net licenses to 5*l.* each.

2120. The intimation which you received was that you must levy one uniform rate throughout the district, was it not?—Yes.

2121. In the year 1868 the number of net licenses was 319?—Yes.

2122. How many did you issue in 1869?—One hundred and eighty-five.

2123. Are your licenses usually issued before this period of the year?—I can tell you the number that was issued in each of the last three years up to the 31st March.

2124. Take the 31st March 1868, how many net licenses had you then?—One hundred and thirty-eight.

2125. How many had you on the 31st March 1869?—Ninety.

2126. And the 31st of March 1870, how many?—Twenty-five.

2127. In 1868, up to the 31st March inclusive, you had issued 138 net licenses; in 1869 you had issued 90 net licenses; and in the present year you have only issued 25; is that so?—That is so.

2128. To what do you attribute that decrease?—To the want of salmon to catch.

2129. And to what do you attribute the absence of salmon?—To the hang nets.

2130. Are the hang nets the nets that are used in the estuary by the Cullercoats and the Shields fishermen?—Yes; and I consider it contrary to the principle of the Act to use them, because the principle of the Act is, that all fish should be caught alive. By the 14th section of the Act of 1861 you will find that the fish are to be caught without injury, and that those that are not fit for consumption are to be put back into the water. By the 8th section of that Act spears and gaffs are not allowed; and the hang nets for the same reason I think ought to be forbidden.

2131. Do you consider that they are forbidden at present, or that they ought to be forbidden?—That is a legal question; but if the Committee will allow me, I will put in the opinion of Mr. Henry Matthews, Q.C. and M.P., on that point.

2132. First of all, will you be kind enough to describe to the Committee what a hang net is, and the way in which those hang nets are used?—I will read from the case submitted to Mr. Matthews, which will explain that fully.

2133. Before you do so, I will ask you, do you concur in the correctness of the description of the hang net given in that case?—Yes. The description is as follows: "Within the last two years, another description of net has been made and used on the space between high and low water-marks, when covered with water, and also in the sea between Souter Point and Crag Point aforesaid."

2134. Souter Point is in the county of Durham, is it not?—Yes.

2135. That is the limit of your fishery district on the south, is it not?—Yes.

2136. And the other, Crag Point, was the limit of your fishery district on the north?—Yes, but it has been increased since; Souter Point is exactly 4¼ miles from the mouth of the Tyne; and Crag Point is rather more. The case goes on to say, "This net is called 'a hang net;' it has no wings or leaders, and no bosom; it has a continuous mesh of a large size, and a peculiar knot. By this net salmon are strangled or hanged; some of the salmon fall out of the net dead, and are lost; and all that are landed are dead. Salmon of large dimensions, and in every grade of condition, are taken by this net, and as they are all killed, those that are unclean, or unseasonable, cannot be returned to the water as required by the section above quoted. These nets are used in a manner quite different from 'draft nets,' and are, in fact, distinct instruments for catching salmon from the draft nets. The salmon fisheries of the River Tyne are greatly injured by the use of 'hang nets,' not so much by the quantity of wholesome salmon taken as by the quantity killed and lost, and the quantity of unwholesome and unclean salmon killed, and of no use for food. These nets also alarm the salmon, and by driving them to sea, retard their entry into the river for breeding purposes, and so tend to diminish the supply of salmon in the river."

2137. That you say is an accurate description of the character of the net, and its effect on the salmon?—Yes; I quite concur in that account.

2138. But you are aware, are you not, that the Schedule to the Act of 1865 mentions hang nets, and, therefore, it would seem that Parliament contemplated the use of them?—Yes; with regard to the granting of licenses, the 34th section says, "All persons demanding to purchase licenses, and tendering to any person appointed by the board to distribute the same, the amount of license duty to be paid under the provisions of this

this Act, shall be entitled to receive the same without any question or objection whatsoever; but no license shall confer any right to fish in any place, or at any time, in or at which the licensee is not otherwise entitled to fish; nor shall the grant of a license be held to make any fishing weir, fishing milldam, putts, putchers, net, or other instrument, or device legal, that would otherwise be illegal, or to imply any recognition of the legality of any such instrument."

2139. As I understand, you have been reading from a case which you submitted to an eminent member of the bar, who is now a Member of this House, and you obtained his opinion with regard to the illegality of these nets?—It was not exactly an opinion with regard to the legality of the nets, it was an opinion on a case of prosecution, and we put several other matters in in order to get an opinion by which we could be guided.

2140. Is there anything in the opinion that would, you think, assist the Committee in forming a judgment on the subject?—Yes; I think so, I think it would be desirable to have the opinion printed in the Appendix to the evidence.

2141. That description which you read was approved by your board I presume?—I took it without the authority of the board, and the board were not acquainted with it for a long time, because it was not desirable it should be generally known that we were in a tender position.

2142. Mr. *Knatchbull-Hugessen.*] Was there a prosecution upon that opinion?—No.

2143. Then you have not heard any statements of the case on the other side disputing the facts on which that opinion was given?—No, not on that part of it, but one of the subjects of the opinion was our jurisdiction.

2144. But I want to know whether the statement in that case as to the exact character of the net is a disputed statement?—I think we raised a dispute in our own mind, but it was not disputed by others. We saw the difficulty, and wanted to be satisfied.

2145. *Chairman.*] Are you aware that the fishermen who use those nets, and their friends, deny that those nets have the effect mentioned in that case?—Yes; I have been told so by the honourable Member for South Shields, but I was not aware of it until this morning.

2146. You have not heard then that the fishermen deny entirely that the hang nets are so destructive?—No.

2147. You still think you are right in your view about those nets?—I think from the reports that we have, we must be right. I mean the reports from our water-bailiffs. There was a storm in which three hang nets were washed ashore this year, and there were fish found fastened in the nets when they came on shore.

2148. The Cullercoats fishermen who use those nets to a very large extent, have applied through his Grace the Duke of Northumberland to be examined before this Committee, and it is probable we shall hear a very different opinion from them to that which you have expressed to the Committee, is it not?—No doubt that is possible.

2149. Can you tell the Committee when those nets were first used in the Tyne fishery district in their present form?—I believe they first came into use in their present form, length, and shape, after the passing of the Tyne Fishery Act of 1842, which stopped the use of stake nets between Souter Point and St. Mary's Island, a distance of 8½ miles, and gave jurisdiction two miles out to sea. Mr. Lawes mentioned hang nets in his evidence before the Royal Commissioners in 1860.

2150. Mr. Lawes is your clerk, is he not?—No, he was clerk to the old board.

2151. He is one of the Duke of Northumberland's solicitors, is he not?—I believe so. Mr. Lawes, I have stated, referred to hang nets in his evidence before the Royal Commissioners in 1860 at Question 12482, and the Tyne Act, in the 44th section, protects the rights of the Cullercoats fishermen to use a splash or hang net, but specially provides, "that it is not to be used of a larger size or in a different manner than those nets have been heretofore accustomably used by them."

2152. You refer to the Tyne Fishery Act of 1842, and you have been quoting from the 44th section of that Act, have you not?—Yes.

2153. The marginal note is, "Saving rights of Cullercoats fishermen"?—Yes.

2154. You have mentioned that those nets, in their present form, length, and shape, first came into use after the Act of 1842 was passed?—Yes.

2155. Now, what is about the length of those nets?—From 80 to 100 yards.

2156. Is that the maximum size?—No; during the last three years the largest net we have ever taken was 300 yards long.

2157. Do you believe that nets are used of a much greater length than that?—By fastening several nets together they stretch a mile, I believe.

2158. Is it the practice to fasten several of those nets together in that way?—In the year 1868 that was very extensively done.

2159. Then, with regard to the mode of using the net, is it the practice to suspend the nets and anchor them?—That is done very extensively; we have seized 52 nets for each of the last two years; that is to say, 104 in two years; and those nets were for the most part anchored.

2160. Mr. *Liddell.*] Becoming thereby fixed engines, and illegal?—Yes.

2161. *Chairman.*] What became of those nets?—We destroyed some of them last year, and we have sold some of them this year; I thought it was objectionable to sell them, but other people seemed to think it was a pity to waste so much valuable property.

2162. But, according to the evidence which you have given before the Committee, they are the reverse of valuable; they are very destructive, you say?—They are of no use except to farmers, who are the kind of people who buy them to use for other purposes.

2163. Are those nets used at particular periods; are they used during the night only?—No, they are often used continuously, day and night; they are nine or ten yards in depth; they lie down at the bottom of the water among the seaweed, where the fish lie and feed; they get into them down below, and the men come afterwards and haul them up, and catch the fish unless they have dropped out.

2164. I have always understood that those nets were not used except between sunset and sunrise?—They lie out for weeks together sometimes.

2165. Without being drawn?—Yes.

Mr. *W. Cuthbert.* 1 April 1870.

2166. Do you think that the hang net is very much more destructive than any other net?—I am told that it is ten times more destructive than any other net that ever was invented, and if not put down by the Legislature, it will work its own cure, as it will not leave a fish either to breed or to kill. One of the most serious results of the use of the hang nets is, that it has caused the bull trout to increase very largely in the Tyne; these fish are small enough to pass through the meshes of the hang nets, and they have not consequently been destroyed in the same proportion as salmon.

2167. Are you able to tell the Committee what the effect of the hang net is upon the fish itself: does it bruise it?—Yes; it is caught in the gill. Several fish have been seen up in the spawning beds this year with the marks of the hang nets upon them, shewing that they had escaped.

2168. Were they damaged?—They were either killed or not killed; if they got free I suppose they had not taken much harm.

2169. But my inquiry was directed to the appearance of the fish that were killed or taken; were they at all impaired as an article of food by being taken in that net?—I should say not; but I may mention that all fish caught out at sea are very inferior to those that have been in the river 12 hours.

2170. The Committee have had some evidence before them that fish caught in such nets are very much bruised, and not so good for food as fish caught in ordinary draft nets?—I have heard that, but I cannot speak to that positively,

2171. You have given the Committee the number of the net licenses that have been granted in the two past years; is the gradual decrease observed there attributable, in your opinion, to the destruction occasioned by the use of those hang nets?—Certainly.

2172. You did not state it, but I believe it is the fact, that after the removal of the Bywell dam the quantity of salmon in the Tyne very materially increased?—Yes; that was proved in the year 1868, by the enormous quantity of salmon caught.

2173. You think that the increase would have continued, and that an increase might again be experienced in the Tyne, if those hang nets were abolished?—We have another difficulty, which is the bull trout.

2174. But, as I gather from you, the presence of the bull trout is attributable in a great measure to the use of the hang nets?—Yes, but the bull trout are in the majority now; they keep the salmon down; and if we do not kill the bull trout we shall have very great difficulty in increasing the salmon at all.

2175. Do you attribute that decrease principally to the use of the hang nets?—Entirely to the hang nets. But I am now speaking of the increase again.

2176. Have you any reliable information that you can place before the Committee, with regard to the effect that the hang net has had, beyond that which you have already mentioned?—Yes; I have the substance of the reports that we have had from our water-bailiffs. The water-bailiffs who have been employed by authority of the board in taking spawn from salmon for artificial propagation, report that they did not meet with many bull trout in 1864, 1865, 1866, and 1867, but in the next two years they were more abundant, whilst, on the contrary, salmon were on the decrease; for on the 15th December 1866, in three streams, they caught 115 salmon; in 1867, on the 16th of November, they caught, in two streams, 105 salmon, and on the 14th of December they caught, in four streams, 280 salmon; making, in all that year, 385 salmon taken out of six streams. In 1868, after the deadly destruction in the estuary and at sea, they were only able to take 25 salmon out of nine streams; and in 1869 they fished 15 miles of river for four fish.

2177. In the year 1868 they were only able to take 25 out of nine streams, and 1869 four out of 15 miles of water?—Just so.

2178. Will you kindly explain to the Committee what that term "stream" means?—I conceive that the man means the fishable water.

2179. Mr. *Liddell.*] A salmon cast?—Yes, a salmon cast.

2180. *Chairman.*] That is to say that part of the river in which the salmon spawn?—Yes, where it is possible to catch them.

2181. You have been giving the Committee those figures from the records supplied to you by your own water-bailiffs, who are employed by your board to procure salmon for artificial propagation?—Yes.

2182. Have you ascertained, from the water-bailiffs, if there is any difference in the size of the fish during the two latter years?—Yes; they are very much smaller.

2183. You mean that they are very much smaller during the years 1868 and 1869?—Yes; during the year 1868, especially.

2184. Some of them are marked with the mesh of those hang nets, as if they had been hung for a time, and then escaped?—Yes.

2185. You have mentioned also that after a storm, last autumn, some of the hang nets were cast ashore?—Yes.

2186. And there were some salmon in those nets?—Yes; there were some large salmon in them, partly decomposed; the nets had evidently been lost.

2187. When was the attention of your board first specially directed to the destructive character of those hang nets?—In the year 1867.

2188. They were at the full swing in the year 1868, were they not?—Yes, they were in full swing in that year. The year 1868 was the most destructive year on record, and it is estimated at the very lowest calculation that every day and every night from 150 to 200 nets blockading the mouth of the river.

2189. The river at Tynemouth is very narrow, is it not?—Yes.

2190. And there is no wide estuary?—No, nothing like the Severn; it is quite narrow.

2191. What is about the width at the bar; how many yards?—I should think about half-a-mile.

2192. It is comparatively narrow, at all events?—Yes.

2193. In the year 1868, between the 19th of July and the 31st of August, were 52 of those anchored nets seized by your bailiffs?—Yes, in each of the last two years the same number of nets were seized, and they were for the most fixed engines.

2194. Some of them were taken off Cullercoats, I believe?—Yes, there were 11 taken one night off Cullercoats, on the 29th July 1868.

2195. That is on the sea coast, a mile and a-half

half north of the Tyne?—Yes; and the boats could have taken double the quantity had the boats been able to hold them; they could only carry 11 of the nets, because the nets when wet are very heavy, and they fill the boats with water.

2196. On one occasion, on the 21st of August 1868, were there 60 or 70 nets seized?—There were 27 nets seized on that occasion, and there were probably 40 set; the men set to work taking them up as fast as they could when they saw the bailiffs; but the bailiffs had a steam boat on that occasion and two large boats.

2197. They made a raid upon them?—Yes; they had with them the crew of the "Surly" gun-boat, and the boats as they came along the coast counted 60 or 70 lights in those boats, and they estimate that there were not less than 20 miles of net out on that particular night.

2198. It has been stated that fixing nets in the way you describe and blockading the river, has a tendency to drive the fish away from the coast. Can you mention to the Committee any circumstance to confirm that?—Yes; the captain of a vessel from Rotterdam stated that he met with a great many fish as he was coming in, 20 miles out at sea; they were jumping out of the water.

2199. I suppose that was at a time when the mouth of the Tyne was blockaded in the way you mention?—It was in July or August 1868.

2200. Was the circumstance that those fish were observed at that distance out at sea attributed at the time, and rightly attributed in your opinion, to the circumstance that those nets were stationed off the Tyne?—Yes; I am of opinion that they were frightened and driven out by the nets.

2201. Is that, in your opinion, an evil that requires remedying?—Yes.

2202. And does it admit of a remedy?—Certainly.

2203. What do you think would remedy that evil?—I have five remedies to suggest to the Committee; first, there should be a maximum as well as a minimum size of mesh, and I think the maximum should not exceed two and a-quarter inches.

2204. At present the size of the mesh is two inches from knot to knot, is it not?—Yes.

2205. That is the minimum?—Yes; I would allow the minimum to be one and three-quarter inches, and the maximum two and quarter inches, so that one would measure nine inches, and the other seven inches measured round each mesh. I would like better to fix it exactly at two inches, but I thought it would be unreasonable to do it so very precisely, and therefore I give them the latitude of a quarter of an inch each way.

2206. That is the first suggestion; what is the second that you wish to bring before the Committee?—The second is, that boats should pay the same license duty as nets, and it should be enacted that no boats be allowed to fish for salmon that are not marked, numbered, and registered (as I believe the pilot boats are, and the Tweed boats are, under the Tweed Fishing Act), and that a penalty be incurred for neglect of this.

2207. What is your third point?—That all nets found at sea, or elsewhere, without a man with them, be deemed fixed engines, and as such be forfeited, whether they are the legal size of mesh or not

2208. What is the fourth remedy?—That the fish should have a play ground at the mouth of every river where they cannot be disturbed; this was provided for by clause 44 in the Tyne Act, 1842.

Mr *W. Cuthbert.*

1 April 1870.

2209. That was to the effect that such hang nets should not be used within half-a-mile of the bar at the mouth or entrance of the River Tyne?—Yes.

2210. You think that that should be enacted, or something like it, in all salmon rivers?—Yes.

2211. You think that that would be applicable to the Tyne only?—I do not know how you could do it at the mouth of the Severn, which is so large. That is why bye-laws are so necessary, but it is clear that at the mouth of every river there ought to be a space where the salmon would be unmolested, leaving them a chance of getting into the river.

2212. That space you would leave to be regulated according to the circumstances of each river, by a bye-law?—Yes, I think so.

2213. What is the fifth remedy which you propose?—That the nets should be limited in length to from 80 to 100 yards; I will say 100 yards; and in depth from six to seven yards, and that two or more nets be not allowed to be made fast together. In addition to that, I would suggest that if Parliament were not to limit the length of the nets to 100 yards, they should at all events compel the licensees to pay 5*l.* for the 100 yards, and 1*s.* per yard for every yard exceeding 100 yards; higher up the river nets should never exceed two-thirds of the width of the river.

2214. There is a provision of a somewhat similar character in the schedule to the Act of 1865, where outriggers beyond 100 yards in length have an extra charge put upon them?—Yes.

2215. As I understand you, one of your suggestions at least would be dependent on bye-laws?—The whole of them might be regulated by bye-laws, but I thought it necessary to state to the Committee what should be done in the event of bye-laws not being granted.

2216. I think that your Fishery Board introduced into Parliament last year a Bill for making better provision for your Salmon Fisheries?—Yes.

2217. In that Bill, I think you proposed to take power to make bye-laws?—We did.

2218. Do you think that the various powers sought to be conferred upon you by the third section of that Bill should be conferred?—Yes.

2219. The first is with regard to defining and describing the manner in which salmon may be legally taken within the district; do you approve of that?—I do.

2220. You also proposed to take powers to regulate the form and description, and to define the breadth and length of nets to be used in fishing for salmon, and for regulating the size of meshes, and limiting the maximum?—Yes.

2221. And for affixing marks or labels upon licensed nets, and that fishing boats be numbered or marked, to enable the officers of the board to identity the nets and boats?—Yes.

2222. Would you make the license personal, or would you license the net and the boat?—I have a very strong opinion with respect to licenses which I had not intended mentioning to the Committee, for nobody agreed with me; but since I came to London the Fishery Inspectors have come round to my opinion; but I would not have mentioned it if I had been a solitary bird. My idea was to do away with the net license, and

Mr. *W. Cuthbert*

1 April 1870.

charge every man that fishes, or aids or abets in the fishing. If he is rowing the boat, for instance, I would charge him and every man a single sovereign, because we can catch a man, but we cannot catch a net; that would do away with the license duty of 5 *l.*

2223. You also propose to regulate the times, places, and manner of using nets for catching salmon?—Yes.

2224. That would apply not merely to providing playgrounds for the salmon, but also to fishing in the upper parts of a river, where we hear that sometimes nets are cast immediately after each other?—Yes.

2225. How do you propose that those bye-laws should be made; in your Bill you propose to give power to your board to make bye-laws without any control, do you not?—No; we propose that they should be under the sanction of the central authority, the Home Office.

2226. Do you think that would be the best mode to adopt?—Yes, I think the board ought to be the best judge.

2227. Is that preferable, in your opinion, to applying to any local tribunal, such as the court of quarter sessions?—Unquestionably. The court of quarter sessions know nothing about it; it would be like applying to myself, for I should go there and do it all.

2228. The only difference being, I suppose, that evidence might be brought forward by the parties who objected to a bye-law?—Just so.

2229. Have you proposed also to take powers to vary the amount of license in any particular district?—Yes; the people who live at the top of the river, and who get very little fishing, think it hard to pay as much as those who live in the main Tyne, and get a good deal of fishing.

2230. Then, with regard to the close time, do you propose to vary it?—Yes; I am very anxious to see the weekly close time extended six hours, at least.

2231. What hours do you suggest?—From six o'clock on Saturday morning to six o'clock on Monday morning.

2232. Do you think that that would be sufficient?—I should like six hours more if I could get it; but I think we ought to be satisfied with that; and one reason why that should be done is, that the floods are now of much shorter duration than they used to be, since extensive draining took place on the moors.

2233. The water runs off more quickly?—Yes.

2234. Would you vary the annual close time at all, or are you satisfied with things as they are?—I am not very strong on that point; the only variation which I would suggest is to stop the fishing for a fortnight, but I would not begin any sooner; at present it ends on the 1st of September, but if it ended in the middle of August I should like it better, because the fish are very bad all that time, and not fit to eat.

2235. You propose also to take powers to levy a salmon district fishing rate?—Yes.

2236. Were those clauses of your Bill carefully considered by your board?—Yes; they were considered.

2237. And generally acquiesced in?—Yes.

2238. I take it that we may refer to these clauses of your Bill, from the 6th to the 22nd, as expressing the present opinion of the gentlemen connected with the Tyne Fishing Board with respect to levying rates?—The 22nd clause refers to mortgages.

2239. To mortgages and rates only?—Yes.

2240. Was the Bill generally approved of by your board?—The Bill was generally approved of by the board.

2241. Do you think that provisions of that kind introduced into a general Act of Parliament would be very acceptable, and would be approved of by the board?—Yes.

2242. You have no dams left on the Tyne of any importance, I believe?—There is one little dam at Woodburn.

2243. That is on the Reed, a tributary of the North Tyne?—Yes.

2244. Is that weir a serious obstruction?—The fish get up it, but I think it should be taken away.

2245. Is that dam connected with a corn mill?—Yes; it is a corn mill, and we are treating for it; they ask for everything together 800 *l.*

2246. Who is the owner of that dam?—I do not know, but we have not the power to buy land by the Act of Parliament.

2247. Do you think it desirable that you should have the power to buy a dam of that kind?—We have that power now.

2248. By consent?—Yes; I believe it is likely to be done, but I do not wish it at present, because it may be useful in killing the bull trout.

2249. If your suggestions are adopted by Parliament, is there any reason why you should not have the same quantity of salmon in the Tyne as you had in the year 1868?—In two or three years we might possibly.

2250. Mr. *Knatchbull-Hugessen.*] I think you have informed the Committee that you have a certain number of licenses taken out in your river varying from year to year?—Yes.

2251. What class of persons are they who take out those licenses?—In the year 1868, in addition to the regular fishermen, almost every man who had a pleasure boat went out salmon fishing, they were so easy to catch.

2252. What class of men are they who use those hang nets?—All kinds of men, I think; both fishermen, and merely people who have boats and go out for amusement, use the hang nets at that time, when there were so many salmon; it was not to obtain their livelihood.

2253. Is there a class of men on the sea shore who gain their livelihood entirely by them?—Yes; the Cullercoats fishermen certainly do, and there are some at Shields, I dare say, also; not entirely by fishing for salmon, but by fishing generally.

2254. You have stated that your water-bailiffs, or some of your water-bailiffs, once saw 20 miles of net and 60 boats with lights?—Sixty or 70 boats.

2255. Have you any idea what the number of persons employed in those 60 or 70 boats would be?—There might be three or four men in each boat, but I do not know.

2256. Have you any idea of the number of fishermen who, by that and other kinds of fishing, obtain their livelihood?—No.

2257. But if your view of the case is correct, even supposing that there are a number of poor persons who get their livelihood by this and other kinds of fishing, and who would object to anything which curtailed their employment of those nets, the real truth is that the means they are now adopting are such as would eventually deprive them of their livelihood by destroying the fish?—Yes, it would work its own cure.

2258. Therefore

2258. Therefore the restrictions which you propose, though they might appear unpleasant at first, would in reality be the reverse of unpleasant in the long run?—Yes, it would be to their ultimate benefit.

2259. Now, with regard to bye-laws, I think that your Bill proposed to give extended powers to Boards of Conservators to make bye-laws, subject to the sanction of the Home Office?—Yes, decidedly; at least that is my view of the case.

2260. But did not your Bill propose to do that?—I believe so.

2261. Now if the Board of Conservators was a competent board, would it, in your opinion, be better that they should have power to make bye-laws, subject only to the sanction of the Home Office, without any intervening authority?—I think so.

2262. I believe that you withdrew your Bill last year upon the understanding that the Government was about to introduce a general measure?—Yes.

2263. Did you consider the provisions of that general measure when it was introduced?—Yes, and I was very well satisfied with it indeed; but we proposed some amendments, which were drawn up and sent to London.

2264. Will you hand those amendments in?—Yes; the amendments are printed in italics in the Paper which I now hand in. (*Vide* Appendix.)

2265. Those amendments were not, I think, material to the principle of the Bill?—Certainly not.

2266. In fact, they were such as there was a great probability of Parliament and the Government being likely to agree to, were they not?—Yes, we thought so.

2267. Do you think that it was a mistake on the part of other fishery boards and those interested in the fisheries, to compel the withdrawal of that Bill?—We thought it very selfish to withdraw a Bill that had so much good in it, because they could not get all they wanted.

2268. Do you not think that the proceeding of the Government was a wise proceeding in only bringing forward as much as they thought it likely Parliament would sanction?—Decidedly; if they had brought other matters forward I dare say the Bill would have been thrown out.

2269. With regard to the remedies you have proposed, as I understand you, you think all those remedies might be provided by means of bye-laws?—Yes; I think so.

2270. And, therefore, if a Bill should be introduced with a single provision, giving Boards of Conservators power to make bye-laws for those and other purposes, you think it would be a valuable Bill?—Most valuable.

2271. Are you satisfied with the constitution of your Board of Conservators?—Quite.

2272. Do you think if extended powers were given to them, their constitution would still be satisfactory, or that it would be desirable to make a change in the direction of an elective board?—I never heard of any objection to the formation of Boards of Conservators until I heard Mr. Walpole's evidence; we have 70 gentlemen on the board, and if any person has ever expressed the least wish to be on it, I have asked somebody who never attended, to retire in favour of that person; out of 70 members perhaps 45 to 50 never attend at all.

2273. That shows, does it not, that they have confidence in the way in which the affairs of the board are administered by those who do attend?—Yes; I am sure of it; when net licenses were advertised, some of the fishermen remonstrated, and sent a solicitor up to represent them; I asked who his clients were, and I said, "Why, they are all conservators, and why do they not come and manage their own business?" So we have shut them up from that time, and since then they have neither come nor sent their solicitor.

Mr. *W. Cuthbert.* 1 April 1870.

2274. Mr. *Pease.*] You have paid a good deal of attention, I suppose, to the past history of salmon fishing on the Tyne?—Yes.

2275. Did you ever see that curious letter of Mr. Bewick, the wood engraver, in which he states that he was forbidden by his mother to give more than three halfpence per pound for salmon?—Yes; I have not seen the letter, but I have heard of it.

2276. You say that those hang nets used at sea, sometimes extending without intermission for a mile in length, are one of the causes of your river being entirely overfished?—Yes; that was so, particularly in the year 1868.

2277. Has not the thing cured itself?—The statistics which I have already given the Committee of the number of licenses taken out this year I think would shew that.

2278. But you would still adhere to your original view, that if those nets were prohibited, a larger number of fishermen would get their living from legitimate fishing than can do so by illegitimate fishing, I suppose?—I think that you will never see as many men employed in fishing as there were in 1868, under any circumstances.

2279. But you would get a living for a larger number of men if salmon culture was more attended to?—My opinion is that you would get ample fish for all the regular fishermen, but not so large a number of fish for amateurs as there was in the year 1868.

2280. You have stated that the marks of the hang nets had been seen on fish caught in the river; what were those marks?—They were marks of the rope having chafed the skin.

2281. Have you seen those fish yourself?—No.

2282. That was a report from your water-bailiffs?—Yes; I remember I have seen a fish in a fish shop marked where it has been caught in the hang net.

2283. Have you only seen one fish?—I think I have seen more than one, I have had them pointed out to me by the men.

2284. Is it not the fact that all those 60 boats that your bailiffs saw, all those 20 miles of nets, were set at the north side of the mouth of the Tyne?—Yes; there is very little fish caught to the south of the Tyne.

2285. In fact the south side of the mouth of the Tyne is a playground for the fish, is it not?—No; it is fished by the fishermen coming from South Shields; salmon hug the shore coming from the north if they are allowed.

2286. The large traffic from the Tyne to the south almost prohibits fishing there at all, does it not?—No; that makes no difference I think.

2287. But fishing is not carried on at all on the south side, is it?—It is much less at the south side, because the fish come from the north; there is a space of a mile, or half-a-mile to the south, where fish are caught on the sands. I think they are called the "Shields Sands."

2288. Near the Corporation quarries?—The

Mr. *W. Cuthbert.*

1 April 1870.

pier has gone out in front of them; there were stake nets there formerly.

2289. You have stated that the captain of a Rotterdam vessel had seen the fish 20 miles out at sea; is it not the fact that captains see salmon in deep sea all the way, from Norway to the Tyne?—I never heard that, but if they see them it must be off the coast.

2290. Your board meets at Hexham, does it not?—And Newcastle.

2291. How often does your board meet at Newcastle?—They have now passed a resolution to hold all the meetings at Newcastle, except one. Last year they were held at Hexham and Newcastle, alternately.

2292. How far is Hexham from Newcastle?—Twenty miles.

2293. Has not that arrangement been very much against a good attendance of conservators?—No; it has not made the slightest difference.

2294. How often do you meet?—About every alternate month; that is the regular time of meeting, but we have generally adjourned meetings between.

2295. What is the average attendance at your board meetings?—Sometimes there are not more than five, and sometimes there are as many as 20, but I never knew 25 to be present.

2296. And very frequently has it not been yourself, and the clerk only?—No; I have the resolution book here, which will show the names of those who attend, and it appears on investigation that the board have had 21 meetings in the past two years, 11 at Newcastle and 10 at Hexham, and that there were 83 attendances at each place, giving an average of between seven and eight at Newcastle and between eight and nine at Hexham.

2297. If those nets are prohibited, would it not be very detrimental to the fishermen who use them for catching other fish besides salmon?—I am not aware that it would.

2298. Do you know that on the Norwegian coast the fishermen there have adopted those nets very extensively for cod fishing?—I do not know.

2299. You do not know that the Tyne and Cullercoats men have adopted the same kind of net, by which they catch quantities of other fish as well as salmon, in order to gain a livelihood?—I have always understood that the cod fish are caught a long way out to sea.

2300. You do not think that to take away those hang nets would prevent the fishermen catching other fish, do you?—I can hardly say.

2301. Mr. *Lowther.*] I understood you to say that you sometimes sold those nets which you seized?—Just lately, within the last six months, and by authority of the 58th section of the Act of 1865.

2302. What has become of the proceeds?—That belongs to the board, of course; but it is the first time that we have sold any nets.

2303. With regard to the artificial propagation of salmon that you have already referred to, do you raise a great many?—Not any; the fish were taken for the supply of the River Coquet.

2304. Who were they taken by?—By our own water-bailiffs.

2305. Can you account in any way for the small attendance at your board?—I suppose that people do not take an interest in the matter, but almost all boards are badly attended when there is a great number of gentlemen on a board.

2306. Mr *Hambro.*] With respect to what you heard from the captain of a Rotterdam vessel, was it an unusual sight to see salmon so far out at sea as 20 miles?—It was told to me as an unusual thing.

2307. As a thing very seldom seen?—Yes.

2308. Do you think that the bar in the Tyne acts as a gigantic dam and stops the fish going up, and therefore you would apply the principle of allowing no fishing within 100 yards of the bar?—I do not think that the bar impedes the fish going up. Of course, if the nets are drawn across the mouth of the river, it impedes the fish.

2309. And does it delay the fish in coming up?—No, the piers makes the water run stronger in; it helps the salmon to run up.

2310. Do you think that if the men who use those long nets were prevented using them, they could get their livelihood in any other way?—The fact is that the number of men who were employed in fishing, in the year 1868, were not really *bonâ fide* fishermen. What I say is this, that if salmon are allowed to increase, and the hang net is done away with, the regular fishermen will have far more salmon than they had before, and they will do much better. The great danger is of having too many salmon prevented entering the river.

2311. You think that the increase of salmon attracted a number of men, who occupied themselves in killing salmon just because the salmon were there?—Yes; it was so very easy to catch a salmon with a net that anybody who went out to catch them could do so. Mr. Walpole went out at that time, and saw the proceeding himself.

2312. Could those hang nets, with the mesh they have now, catch any other kind of fish except salmon?—I do not think they do.

2313. If they wanted to catch small fish, could they do so?—It is no use for small fish.

2314. Mr. *Whitwell.*] You spoke of the fishermen on the Tyne, under the Act of 1842, being confined to the nets they had previously used?—Yes, there was some kind of hang nets. The 44th section of the Act of 1842 says: "Provided always, and be it enacted, that nothing in this Act contained shall prejudice or affect any right of the fishermen of Cullercoats, and other common fishermen, to use in the main sea, from their boats, such nets and lines as have been heretofore used, so only that such fishermen do not use, within the limits of this Act, any stake, bag, fixed, stationary, or anchored net, or splash or hang net, capable of or adapted for the taking or destruction of fish of the salmon kind, or by which any fish of the salmon kind shall be obstructed, impeded, or prevented from entering the River Tyne, other than and except the splash or hang nets heretofore accustomably used by the fishermen of Cullercoats, so only that such splash or hang nets be not used of a larger size, or in a different manner or way than such nets have been heretofore accustomably used by them; and that such splash or hang nets be not used within one half-mile of the bar at the mouth or entrance of the River Tyne; and so also that no fish of the salmon kind be taken or destroyed, or sold or disposed of by such fishermen within the annual and weekly close times aforesaid."

2315. Mr. *Liddell.*] Is that a citation from your old Act of 1842, which was repealed by the General Act of 1861?—Yes.

2316. Mr. *Whitwell.*] The present nets are not only used of a different size, but also nearer the

e bar than they were formerly allowed to go? Yes.

2317. The fishermen now fish within half-a-ile of the bar, do they not?—Yes.

2318. With the different sized net?—Yes, a much larger net.

2319. Are you aware whether or not the River Tyne pollution arising from the various works as a tendency to destroy the fish?—In the South Tyne the fish do not seem to flourish at all; but n the North Tyne and the Reed we have the finest spawning bed in England.

2320. Then do you think that towards the mouth of the river the fish are killed by the refuse from different kinds of works?—No.

2321. Are there no smelts or other fish destroyed to your knowledge?—I cannot say that, but I believe the salmon will run up with one tide; they have the sea water to go in with, and they escape the pollutions that go into the river; but there have been fish killed by the escape of noxious things from manufactories on their road up.

2322. There are a great many alkali works there, are there not?—Yes.

2323. It is not within your knowledge that they are destructive to the fish?—Not when they are low down the river, because there is so much sea water with them; when they are high up the river, and where the tide does not rise so soon they are in a worse position.

2324. You spoke of having 70 members on your board; how many of those are representatives of pure fishing companies?—I think there are six or seven fishermen.

2325. Mr. *Assheton.*] I want to ask you about the size of the mesh of nets; I can quite understand your desire to have a minimum size of mesh, but what is your reason for desiring a maximum size of mesh, as well?—Because the fish get their heads thrust into those large nets and caught fast in the gills; whether they are fit for eating or not, some of the fish get killed that get their heads into the net.

2326. What is the size of a fish that would be caught in a 3-inch mesh in that way?—I think that a fish of 6 lbs. would get through, while a fish of 9 lbs. or 10 lbs. would be caught; but that is not perfectly accurate, perhaps.

2327. But you would be benefited you think, by having the mesh of the net smaller?—Yes.

2328. Would you not have the smaller fish damaged, just as the larger fish are damaged by the present mesh?—Very small fish might be damaged in that way certainly; but the larger fish, which go up to spawn, are what we want preserved of course, otherwise we cannot get an increase.

2329. Do you think that it would be desirable that there should also be a fixed maximum for draught nets?—For all nets.

2330. I gather from you that your remarks with respect to the size of the mesh applied to all kinds of nets?—All kinds of nets.

2331. Do you think that the size of the mesh should be fixed by a general clause, or should be left to be dealt with by bye-laws?—I think it should be left to be dealt with by bye-laws; because in other rivers they do not exactly take the same view of the case as we do on the Tyne; the rule that suited the Tyne might not suit another river.

2332. In framing a general Act of Parliament, giving power to make bye-laws, would you put a maximum and minimum limit, within which you would give power to boards of conservators to make bye-laws, or would you give them free liberty to do what they like?—I think you might give boards of conservators full power, subject to the approval of the central authority.

2333. You would say nothing, as I understand you, about the size of the mesh in a general Act of Parliament?—No, I think not.

2334. You can, I suppose, give the Committee some information with regard to general licenses?—Yes.

2335. You issued 10 general licenses in 1868, did you not?—Yes.

2336. The sum which you derived from them was 115 *l.* 6 *s.* 10 *d.*, was it not?—Yes.

2337. Then I understand that that curiously odd sum for 10 licenses arises from the fact, that in your district you grant your general licenses according to a graduated scale, varying with the number of yards of river bank which the persons holding general licenses happen to have the right of fishing over?—According to the Act of Parliament, the real law of the case is, that everything is a matter of treaty between the board and the persons applying for a license, subject to the sanction of the Secretary of State. We adopted that scale, and the Secretary of State determined to decline to allow us to use it, but said we must bring every case before him. The simple operation we went through was to charge everybody according to the scale, and then to submit the facts to the Secretary of State, and he at once sanctioned it. I have myself a general license; I have 5,700 yards, and I pay nearly 6 *l.* a year, which is a farthing a-yard on each side. My own particular sum is 5 *l.* 18 *s.* 9 *d.*

2338. That method accounts for the curiously odd figure that the 10 licenses come to?—Yes, they are all in that way

2339. Does your plan work well?—Not in this way, that there are only 10 licenses taken out, whereas every yard of the river ought to be subject to a license; and it ought to be compulsory on everybody to pay yardage; but that brings us to the rating question.

2340. You have, in fact, used the general license clause, as an indirect way of enforcing the rating?—You can hardly say that, because so very few people pay it. We wished it to have that effect, but people would not pay it, because it was not compulsory.

2341. Do I gather, from your endeavouring to levy a rate in this way, that you think it would be desirable to impose a rate on all our fisheries?—Yes; I think the whole of a river ought to be rated.

2342. What would you base your rating upon?—In the estuary of the river it might be the value of the fisheries. The only question is, whether we should value the whole way or do it by yardage. I think that there are objections to the yardage system; for example, I have so many yards of fishing and I have some very good casts; another man has two miles of fishing where there is hardly a cast in the whole of his portion of the river; it would be hard upon him therefore to have to pay the same yardage as I pay.

2343. Does any method suggest itself to you of getting over that difficulty?—I think that boards of conservators ought to have power to take that into consideration. The only way is to

Mr. *W. Cuthbert.*

1 April 1870.

have the whole river valued by a proper valuer. There would be no more difficulty in that than in valuing a parish that is partly in the hands of owners and partly in the hands of tenants.

2344. Then do I understand you to say that if a system of rating was adopted, it should be made elastic, to vary with each district, and not according to fixed laws laid down in a general Act?—What would suit the Tyne would not suit other places. There are public rights in estuaries which do not exist in the Tyne. You could not get at the rating where the public have the right to fish, and even with regard to people who fish in the sea it is very difficult to get hold of them; they have a public right to fish there even if it is in an illegal way; and how can you rate them?

2345. Have you not given a reason that is almost insuperable against a rating clause?—No; I would rather have the rate, and let those people who are poor fishermen escape it.

2346. Would you be willing to be rated while the hang nets killed all the salmon that you pay for?—I would be willing to be rated for their benefit, but not for the use of hang nets.

2347. How do you propose that those public fishermen should pay their fair share towards improving the state of the river?—I think we must let them off; I do not see how we are to get at them, unless we rate their boats.

2348. *Chairman.*] Would you not get at them by increasing the license duty somewhat?—Yes, but that would cause great dissatisfaction, I think.

2349. Mr. *Liddell.*] Do you think that if the Tyne Conservancy Board had the power of making bye-laws they would limit the nets, and the area of the fishing, to the size and area described in that old Act of 1842?—If they took my advice they would.

2350. You think that that would be a great and efficient measure of preservation for the salmon, I suppose?—It would give them a very good chance of getting into the river.

2351. Can you tell me whether the period of the year, when these very valuable statistics, showing the decrease of salmon were collected, was identical in each year?—Yes; it was in November and December.

2352. The taking of salmon out of season, for propagation purposes, is sanctioned by the law, is it not?—Yes, by Act of Parliament.

2353. Will you tell me, living on the river as you do, whether you attribute, in any degree, the decrease of the run of fish to the dry seasons which have prevailed for the last two years?—The dry seasons which have prevailed for the last two years have been a great addition to our grievances.

2354. You have probably never known two seasons so dry together?—I have never known two such seasons running.

2355. Will you tell me whether you observed, after the great fishing of 1868, when that vast number of licenses was taken out, and the immense destruction of fish took place, a visible decrease in the smelts in the following spring?—I cannot say.

2356. Do you remember the circumstances of the autumn of 1868 sufficiently to give the Committee any account of it with respect to the state of the weather?—I think it was a very dry autumn.

2357. Then there was no very considerable run of fish after the close time in the autumn of 1868, was there?—What they say about the fish is, that they only obtained 25 in nine streams, that was in the month of November or December.

2358. But you know that the autumn of 1868 was a very dry autumn, do you not?—Yes; I believe it was.

2359. Those hang nets of which the Committee have heard so much, pay a license duty I presume?—Yes.

2360. But supposing they tie together half-a-dozen hang nets, would they be licensed as one net, or would they constitute one net?—The opinion of Mr. Matthews goes to say that we should have difficulty in obtaining a conviction, if those nets are fastened together in that way.

2361. But is it within my power to tie together half-a-dozen hang nets and take out a single license for that as one net, if I am so minded?—That is really a legal question, and it is dealt with by Mr. Matthews in his opinion; I think you ought to pay for six licenses, but practically we have never got them.

2362. When a man applies for a license, is anything said with regard to the length of the net?—No.

2363. No inquiries are made with regard to the length of the net?—No; not even whether it is a hang net or a haaf net. Those two things are put in the Act of Parliament together; I think we might call upon a man to declare whether he takes out a license for a haaf net or a hang net.

2364. *Chairman.*] But practically there would be no use in that, would there?—Yes; because they now take out one license and use a different net, and if what I suggest were carried out, we should get two licenses.

2365. Mr. *Liddell.*] But you think that, as a matter of river policy, the length of the net should be restricted?—Certainly.

2366. Are there any other netting processes carried on in the tideway of the Tyne besides that very deadly process which you have described as hang net fishing?—Certainly; they fish with ordinary nets.

2367. And I understand you to say that you have no complaint to make against that system of netting?—None whatever; it is legal and proper.

2368. I believe I need hardly ask you whether you view with considerable regret the abandonment of the general Act of the Government of last year?—Yes.

2369. And so far as our river was concerned, I believe you thought the provisions of that Act quite sufficient for its efficient preservation?—I think it would have been exceedingly beneficial.

2370. Did your observations upon altering the annual close time have reference solely to the net fisheries?—Entirely; I did not intend to meddle with rod fishing at all.

2371. I need hardly ask you whether an extension of the annual close time to rods is a *sine quâ non* in the encouragement given to the upper proprietors to preserve the fish?—Yes, it is quite necessary.

2372. Now with regard to the formation of boards of conservators, you have stated that you have 70 members on your board, or thereabouts, and that not more than 20, if so many, are in the habit of attending your meetings?—Out of those 70, I believe 45 to 50 have never been at a board meeting.

2373. But

2373. But supposing the board had by the statute the power of making severe laws, do you not think that the attendance of members would assume a very different aspect?—They might come once or twice, but not to the ordinary business of the board, I think.

2374. Do you not think that those who represented the interests of the nets would have a good deal to say in framing bye-laws?—They might; but they never seem to attend to their own interest.

2375. But you have no power now of making bye-laws or interfering with the nets, have you?—No, but they thought we had when we fixed the net licenses; and when we advertised this schedule, they took great alarm at all the different descriptions of nets in it; they thought they were all going to be used, and would destroy all the fish; and the fishermen sent a solicitor up to the board to remonstrate. Those men were conservators, as I have already said.

2376. Your opinion being very valuable, I will ask you, do you not think that if the Boards of Conservators throughout the kingdom had the power of framing restrictions and regulations for the whole of the fisheries upon the river and its estuary, it would be better and fairer to have a tolerably even representation of all interests on the board?—Of course, whenever anything disagreeable occurs on a board, they would expect that; but on our board it has all gone smoothly, except the fishermen remonstrating, which they did from ignorance.

2377. But do you not think that if you were in the habit of framing special regulations, an interest would be excited among the lower fishermen, which would result in their claiming representation on the board?—Very possibly.

2378. And matters might, perhaps, not go on so smoothly as they do now?—That might happen, certainly; but that would be only just at the time when you were fixing things, and then the board would drop down to its usual way. It would only happen when an alteration was made. If a new clerk was appointed, no doubt there would be a little canvassing going on, and the greater part of the conservators would turn up to exercise a little patronage.

2379. *Chairman.*] Do you pay your clerk a salary?—Yes; he receives a salary of 100 *l.* a year as clerk, and 25 *l.* a year as treasurer.

2380. Mr. *Liddell.*] You have been asked some questions about the rating of the river for the purposes of preservation, and I think I understood you to say that you assess each set of nets or each fishery *ad valorem*. By what process could you ascertain the amount of fish caught by each boat, or net, or set of fishermen?—By each fishery; the owner lets the fishery and he gets a rent, and the rental is the criterion of value.

2381. That would be an *ad valorem* assessment on the rent and not on the production, would it it not?—You would in that case have to change it every year, or do as the priors of Tynemouth did, take every twentieth fish.

2382. With regard to the fisheries belonging to the proprietors up the river, it would be impossible to assign a value to them, would it not?—No; it would not be impossible certainly, everything is possible in that way; you might not get a fair value, but you would get one of some kind; it is impossible to satisfy everybody.

2383. Are the fisheries rated for the ordinary purposes of local taxation already?—Yes; I expect so. Mr. *W. Cuthbert.* 1 April 1870.

2384. Are you of opinion that the scale on which they are assessed would be a sufficient guide for the purposes of assessment for preservation?—I believe that in a great many cases the fisheries are standing at the old rent they were standing at in the year 1861. I think there are very few of them raised, perhaps some of them are, but I have no doubt that they will be raised gradually, as the salmon increases.

2385. Have you discussed this rating question at meetings of the board occasionally?—It has been under consideration not, perhaps, at a board meeting, but among the conservators privately.

2386. Speaking generally, what have you found to be their views upon this matter of rating; are they opposed to it, or not?—No, there is no opposition to it.

2387. You have referred to the great increase of the bull-trout in the Tyne?—Yes.

2388. And you remember the old Bywell Dam?—Yes.

2389. Do you remember that there were in the Bywell Dam two distinct channels, and two distinct sets of boxes, one for catching bull-trout, and one for catching salmon?—No; I was not aware of that; but I think they would both go into the same box.

2390. But if that was so, that would prove indisputably the existence of bull-trout to a considerable extent in the River Tyne at that time, would it not?—There always have been bull-trout in the river; but at one time the salmon had the upper hand, and now the bull-trout are in the majority.

2391. *Chairman.*] I observe, on referring to your minute book, that the last meeting of the board was attended by 13 conservators?—Yes.

2392. And at the next previous meeting there were present 13 members also, were there not?—Yes; there were about the same number present, I think.

2393. You have mentioned that you were satisfied with the Bill introduced by the Government last year with respect to salmon fisheries?—Yes; our board was perfectly satisfied with it.

2394. Your board is in the happy position of having no very destructive dams in the Tyne, is it not?—Certainly.

2395. And you had the good fortune to have a liberal landowner who removed a dam voluntarily?—Yes.

2396. You need no legislation in that particular?—Not any.

2397. Nor do you need any power to raise money for the purpose of purchasing destructive dams?—We have money enough in hand to buy a dam; we had a balance of 1,300 *l.* in hand at the beginning of the year; but they have destroyed the fish, and we shall have almost no income now; therefore that balance will soon be exhausted.

2398. But supposing that the Bywell Dam had been in existence at the present time, and your board had thought it desirable to purchase it for the purpose of removal, should you have had any difficulty in borrowing money on the security of rates, such as you proposed to take power to raise in your Bill last year?—No, certainly not; the gentlemen living above the dam would have subscribed the money out of their own pockets.

Mr. *W. Cuthbert.* 1 April 1870.

2399. But supposing you had not got that dam removed, would it have been possible to borrow on the security of the rates sufficient to purchase the mill and the dam?—Yes; decidedly.

2400. Did you find the scale of charge for general licenses which you laid down work pretty well?—I do not think it works well, because so few licenses were taken out.

2401. But few people cared about the fishing, perhaps?—No; the same people who subscribed to the association when it was voluntary, would not give when there was a different constitution of the board altogether.

2402. The honourable Member for Kendal asked you some questions with regard to pollutions on the River Tyne; I suppose there are no additional pollutions since the year 1868 of any moment?—Hexham has turned a great quantity of sewage into the Tyne.

2403. But the number of alkali works is very much the same as in 1868?—I think they are probably reduced because the trade has been so very bad.

2404. The Act of 1861 repealed your own Tyne Act of 1842, did it not?—It did.

2405. Did that Act contain provisions which in your opinion ought to be restored in any general measure?—Yes; many provisions.

2406. That is to say, many provisions that do not appear in the existing Acts of 1861 and 1865?—Yes.

2407. Perhaps you have not prepared a list of those provisions?—No, I have not.

2408. Will you be kind enough, for the information of the Committee, to have prepared by your clerk, and sent up to the Committee, a list of the provisions in the Act of 1842 that do not exist in the Salmon Fisheries Acts of 1861 or 1865?—I will.

2409. I am requested to ask you what harm you think an anchored net does compared to one attached to a boat, and allowed to drift with the boat?—The difference is this, that the anchored net is continuously there, whereas the other one is only there for the time being.

2410. Mr. *Knatchbull-Hugessen.*] Did the proposed Bill of last Session embrace all the new regulations which you thought necessary for the Tyne?—I think in my evidence to-day I have made some new suggestions.

2411. But except those new suggestions which you have made to-day, it embraced everything that you think necessary?—Yes.

2412. *Chairman.*] You contemplate that the bye-laws would be tolerably elastic, and I suppose they would enable you in that form to introduce the provisions of the Act of 1842 which you require?—Yes; but there is one thing that I never thought of until the other day, which was that a net found without anybody with it, should be deemed a fixed engine, whether fixed or not.

2413. That is entirely new, is it?—Yes.

2414. Mr. *Liddell.*] I gather from your evidence to-day that the legal powers of preserving salmon in the Tyne were much more complete and effective under the old Special Act of 1842, than they are under the General Acts of 1861 and 1865?—I do not know that the Act of 1842 was a perfect Act. I would not go that length. But I may say that the river has been much better looked after since those Acts of 1861 and 1865 have been passed, than ever it was before. It is now quite a different thing to what it was formerly. We had four policemen, one police serjeant, and two water-bailiffs employed last year, and we are going to buy a steam launch to look after the fishermen outside.

2415. Then I understand you to represent to the Committee that you are not dissatisfied with the general legislation which exists now, provided you could engraft upon it certain provisions which you have pointed out to-day?—Just so.

2416. *Chairman.*] The Act of 1842 contained some very good provisions, that do not exist in the Acts of 1861 and 1865; on the other hand, the Acts of 1861 and 1865 contain good provisions, that did not exist in the Act of 1842?—That is my view.

2417. Is there anything else which you would like to bring under the notice of the Committee?—I think not.

Mr. George Henry List, called in; and Examined.

Mr. *G. H. List.*

2418. *Chairman.*] You are Chief Constable of Berwickshire and East Lothian?—I am Chief Constable of the counties of Berwick and Haddington.

2419. Have you, during the last 35 years, been connected with the protection of the rivers of Scotland?—I have on several rivers.

2420. And during the last nine years have you had charge of the lower district of the river Tweed, extending to about 30 miles, and the main river and its tributaries to the extent of 50 miles?—Yes, partially for six years, and latterly I have had charge of the whole lower district.

2421. What is the point in the main river?—Above Coldstream to Carham.

2422. The Tweed and its tributaries extends into seven counties and jurisdictions, does it not?—Yes; including the Liberties of Berwick-on-Tweed, which is not a county.

2423. What is the Valued rental of the Tweed fisheries at the present time?—Last year it was 9,273 *l.*

2424. Some 20 years ago was it something considerably larger than that?—In the year 1800 the highest rent was 8,000 *l.*

2425. Has it never been more than it is at the present time?—Never, so far as I can learn.

2426. I think you have special Acts relating to the salmon fisheries of the Tweed?—Yes.

2427. The Act of 1857 and the Act of 1859?—Yes.

2428. Under those Acts of Parliament, has there been a voluntary assessment upon the proprietors?—Under those Acts of Parliament there has been a compulsory assessment of 20 per cent.; there was a voluntary assessment of 10 per cent. to pay off the debt, and a subscription amounting to 300 *l.* or 400 *l.* in addition, to increase the protection.

2429. How was that debt incurred?—I do not know, but they are out of debt now.

2430. What is the proper title of your fishery body in the Tweed?—The Tweed Commission.

2431. I believe that it not unfrequently happens in your part of the country, that assaults are made on water-bailiffs by poachers and other lawless persons?—Twelve or 15 years ago the water-bailiffs were much abused, and the judges on circuit made some remarks about it.

2432. In

2432. In consequence of that, were arrangements made with the chief constables of some of principal counties into which the Tweed flows?—Yes; under the Police Act there is a clause to effect, that in case of any persons applying for additional constables, the chief constable, subject the approval of the sheriff or justices, can point any number of constables at the expense the parties applying for them.

2433. You heard the evidence given by the st witness, Mr. Cuthbert, I believe?—Yes.

2434. Is the Act that Mr. Cuthbert referred the Act which you have named?—The English onstabulary Act and the Scotch Act are similar regards the appointment of extra constables.

2435. In consequence of that clause being inrted in the Act, have extra constables been ppointed for Berwick, Roxburgh, Selkirk, and eebles?—Yes.

2436. In the years 1868 and 1869 had you, those four counties, 66 constables appointed?—There were extra men appointed, 66 conables, or thereabouts, during close time, and in ie open season 28.

2437. Are the 28 regular water-bailiffs?—egular constables and water-bailiffs.

2438. But they are appointed to act continusly?—Yes, all the year round.

2439. That is to say, 66 constables were apointed to assist the ordinary constables?—Yes, 6 extra constables and water-bailiffs were staoned on the rivers, and they were assisted by ie ordinary county constables.

2440. What did the payment in wages, and so n, of those men, amount to during last season?—About 1,750 *l.* for the extra men.

2441. You have had a great number of prosetions in those counties you have named, for ffences against the Tweed Act, have you not?—The convictions in 1868 were 263, and the enalties were 1,497 *l.* 16 *s.*

2442. What was the number of convictions st year?—Last year there were 219 convicons.

2443. What did the penalties amount to?—. 833. 6 *s.*

2444. Were the whole of these penalties paid?—No, scarcely three-fourths of them were paid. think that about one-third of the offenders ent to gaol.

2445. They paid in person?—They went to rison.

2446. Have your police in Scotland jurisdicon in other counties than those in which they re appointed?—In Scotland a constable apointed for one county can go to any other ounty, and if appointed in a border county he an go into an English county; a Berwickshire oliceman can go into the English border county. hat is one of the provisions of the Scotch Police ct.

2447. By that means the force employed on ie river can be reduced, or increased, or concenated at any particular point?—Yes; we know iat poaching is carried on at particular states f the river, such as times of flood or otherwise, nd we can put on additional men for a week r a month, and take them away when they are ot wanted; trained men are thus put on river uty for short periods when wanted.

2448. The annual close time on the Tweed for ets is from the 15th of September to the 15th f February, is it not?—Yes.

2449. And for rods from the 1st of December to the 1st of February?—Yes; for artificial fly fishing.

Mr. *G. H. Lisle.*

1 April 1870.

2450. What is the weekly close time?—From six o'clock on Saturday night to six o'clock on Monday morning.

2451. Under the Tweed Act, are fixed nets entirely prohibited?—Fixed nets are entirely prohibited by the Act of 1867.

2452. But you still have them on the seashore?—At five miles on the south side of the mouth of the river and four miles on the north side, stake or bag nets are fixed, but they cannot be placed within those limits.

2453. You are no doubt aware that fixed nets were entirely abolished by the Act of 1861 in England?—Yes.

2454. What provision have you with regard to weir shot nets under the Tweed Act?—A weir shot net cannot be worked within 30 yards of another net, whether it is in the river or the mouth of the river.

2455. What is the size of the mesh of a weir shot net?—It is seven inches round.

2456. That is to say an inch and a quarter from knot to knot?—An inch and three-quarters from knot to knot.

2457. Is that your minimum?—Yes.

2458. Will you be kind enough to explain to the Committee what a weir shot net is?—A weir shot net in Scotland is the same as a draft net in England; it is about 100 yards long, and about 10 yards deep, with a bag in the centre; it is shot out of the boat and drawn round; the two ends brought together, and it is drawn ashore.

2459. Are the boats that are used in that way numbered?—No, they are not numbered, but they are marked with the letter N in a triangle.

2460. They are required to be so marked, are they?—Yes; under the Act of Parliament the Commissioners can fix any mark they like.

2461. The boats must be marked in such manner as the Commissioners prescribe?—Yes.

2462. I need hardly ask you whether that mark affords great facilities for detecting poachers?—It does.

2463. Do you not think that such a provision as that would be extremely useful in England where we have nothing of the kind at present?—Yes, if they could also be numbered; it is understood that they cannot number them under the Tweed Acts.

2464. You would suggest, in addition to a distinguishing letter, that there should be a distinguishing number?—Exactly the same as fishing boats on the coast are numbered by the Government.

2465. And pilot boats?—Yes; exactly.

2466. What powers have your water-bailiffs and officers to enter lands on the banks of the Tweed?—Under the Tweed Acts we can enter any land adjoining the river to enforce the law.

2467. Will you be kind enough to mention the section of the Act under which that power is conferred?—The Act of 1857, section 37.

2468. Then I need hardly ask you whether that power is not constantly exercised on the Tweed?—Yes, it is constantly exercised by the whole of the constables, and nobody ever found fault with them; of course they are told not to intrude in private policies when ladies are walking, and that they must take care not to give offence to proprietors or tenants.

2469. They exercise their power with discretion?—Yes.

Mr. *G. H. List.* 1 April 1870.

2470. Have you had any complaints with regard to the exercise of that power by water-bailiffs?—No; we have never had a complaint: the water-bailiffs, being constables, protect property, and are found useful to proprietors and tenants.

2471. Under the Scotch Salmon Fisheries Act, is there a provision that water not required for milling purposes shall flow over the weir or through a fish pass?—There is a provision that if they do not require the water, they must throw it over the weir.

2472. Have you in your district any considerable number of fish passes?—There are some few, but not very many; there is only one on the Tweed, below Coldstream.

2473. Is the pass working efficiently?—The pass is not working so well, because there is a natural pass on the English bank that answers better; but I have been concerned in putting up two diagonal passes (I do not think much of them), one at a paper mill at Chirnside, which is a diagonal trough, and another on a small river running into the Tyne at Dunbar, at Mr. Nesbett Hamilton's. I do not think that those passes are so efficient as they might be. I suggest a pass (*producing a drawing*) of a kind which is not met by the clause in the English Act; it is not fixed on the weir, and the Act prescribes that fish passes shall be fixed on weirs.

2474. Will you be kind enough to describe that drawing to the Committee?—I would cut an artificial run from 50 yards above the weir; run it inland like an elbow, and bring it round to the foot of the apron, carrying a beam into the deep water, to guide the fish.

2475. You would let the fish pass without going over the dam at all?—Yes, I would make it like a small natural river, and would not put stops into it.

2476. Like a mill race?—No; more like a rivulet, because I would put in stones and dig out hollows.

2477. So that the fish could rest in passing up?—Yes; I would make it a burn, and put a sluice with an apron to draw down, not up, so that instead of having a great rush of water going under the sluice, which a heavy fish cannot take, I would make a sluice with an apron, about 15 or 20 feet long, down into the burn, and lower it to let the water run over the top of it.

2478. Have you constructed any pass of that kind?—No; but I think that the Earl of Haddington is going to construct one this summer. His factor told me so; we are to meet in a week or two about it.

2479. Where is that pass to be constructed?—On the small River Tyne, near Dunbar; but there is a pass of that kind at a weir formerly used for a water-mill on the same river at a place belonging to Mr. Dalrymple, the Member for Bute, that answers the purpose very well.

2480. Do you mean constructed as you describe?—Yes, because when the water-mill was done away with, stones were put in instead of the sluice, and made it very easy for fish to take, and it answers beautifully.

2481. They made it more natural, I suppose?—Yes, and the fish take it without any difficulty. Hailes is the name of the place on the River Tyne.

2482. Is that below, or above, where the railway crosses it?—Just above; it is exactly a mile from the Linton station.

2483. What did I understand you to say, was the situation of the pass to be constructed by the Earl of Haddington?—It is just above Tyningham Bridge, at Knows mill.

2484. Do you hear any complaints with regard to your close time on the Tweed?—None at all.

2485. Neither with respect to the annual close time, nor the weekly close time?—No, they seem to be quite satisfied; certainly the upper proprietors have a very long open season; it is open up to the 1st of December.

2486. That encourages the rod-fishers in the upper part of the river, does it not?—Yes, and they protect the fish in consequence.

2487. Do you think that it would be an advantage if our open season for rod-fishing in England were extended to the same time?—Decidedly, if you add the means of assessing to put on passes: but if you have not the means to put on passes the fish will be taken at the foot of weirs by poachers.

2488. You have spoken of the assessment under the Tweed Acts of Parliament; will you kindly refer the Committee to the sections under which the assessment is levied?—Under the Act of 1857, section 79, and under the Act of 1859, section 5.

2489. Those sections give compulsory powers of making assessments for the purposes of salmon fisheries?—They do.

2490. Are there any complaints with regard to the operations of those sections?—It does not come within my province to know.

2491. You have not heard of any, I presume?—No.

2492. But if there had been dissatisfaction, I suppose you would have known something about it?—I think so. I understand that even the voluntary assessment is paid willingly, and there are very few proprietors who do not pay the 10 per cent. voluntary assessment.

2493. I suppose the voluntary assessment is levied on the same principle as the compulsory assessment?—Yes.

2494. What power have you of searching suspected persons under your Act in Scotland?—The power of searching suspected persons on rivers is very limited indeed.

2495. To what is it confined?—It is confined to searching upon a warrant.

2496. Have you felt the necessity for extending that power at all?—Yes; the power has so restricted our efforts that we have to run very great risks in searching people and boats without authority; we have had several convictions. We seized 30 and odd foul fish at the railway station the other day, when we had no legal authority to do it; we were pretty sure that we were right, and we ran a risk.

2497. You have no power to search the baskets of suspected persons as we have in England?—In the Scotch Act we have, but not under the Tweed Act.

2498. The legislation with regard to the Tweed is under the general Act of Parliament, is it not?—No, it is a special Act.

2499. That legislation was made after a Select Committee of this House had inquired very fully into the matter, I believe?—Yes.

2500. The later Act came into operation immediately before the passing of our Act of 1861, did it not?—Yes.

2501. And therefore it was exempted from the general legislation of this country?—Yes.

2502. Mr. *Herbert.*] Can you inform the Committee what the value of the Tweed fisheries was before the passing of that Act of Parliament?—Yes; in the year 1800 it was 8,000 *l.*, in 1832, 4,960 *l.*; the lowest was in the year 1839, when it was 4,047 *l.*; it rose in the year 1842 to 4,202 *l.*, in 1852 it was 5,951 *l.*, in 1862 it was 5,952, and in the year 1869 it was 9,273 *l.*

2503. I conclude that that large increase was through the working of the Act?—I think that it must have been through doing away with the fixed engines.

2504. And also the extra preservation of the salmon in consequence?—Yes; through the extra preservation of the parent fish, which was allowed to come down the river, and it increased the size of our fish; we have 50 lb. fish taken very often in the Tweed.

2505. Could you give the Committee the number of salmon taken in your river when the fishing had got very low?—No, I cannot give you that.

2506. I believe that the fish have increased gradually in size year by year since the passing of your Act of Parliament?—I know that they have increased in size, and these last three or four years they have increased very much indeed.

2507. In fact, they have increased in size since there has been a perceptible difference in the preservation of the kelts?—Yes.

2508. Have you heard any complaints by the sea fishermen at the mouth of the river of the length of time that the rod fishermen go on?—The fishermen have no voice in the matter.

2509. I mean the proprietors?—No; they felt it was so necessary to give the upper proprietors a longer privilege of rod fishing, to get them to assist in the preservation; they do not grumble at the rod fishing, but they would like their time for net fishing extended.

2510. It is found to work both ways; what is good for one is good for the other, is it not?—Quite so.

2511. Late on in December the salmon are caught very heavy in spawn, and it must rather hurt those fish, and prevent them spawning as much as they might do, must it not?—Up to December they take fish caught by rod and eat them; the fish do not get the chance of spawning.

2512. They do not return them into the water?—Not if they take them with rod and fly, which they are allowed to do up to the 1st of December.

2513. Is it up to the 1st of December on all rivers in Scotland?—No, it is later on the Tweed than on other rivers. I can give you the close time for the Forth, the Don, Dee, and so on; they are much earlier; the rod fishing closes on 21st of August there.

2514. Are not most of the female fish caught in November, in the Tweed, very heavy with spawn?—Yes.

2515. Would it not be advisable, for the benefit of the fisheries, that rod fishing should close a month earlier in those rivers?—I am afraid there would be such great dissatisfaction in the upper districts that they would not preserve so many; and therefore it would be as broad as it was long, and you would have poachers killing what the rod fishers now kill.

2516. I believe you never used the gaff in the early and late months in the Tweed?—No.

2517. Will you state the reason for that?—If you use the gaff to land a foul fish, and injure the fish, you cannot put it into the water again, it would die.

2518. Can you inform the Committee the proportions between the convictions and the prosecutions?—No, I cannot give you that. I had to telegraph to Scotland for my details, because I did not know I was going to be examined to-day when I left Scotland.

Mr. *G. H. Last.*
1 April 1870.

2519. Was it in the Tweed Act that that provision which you spoke of, about the nets being shot within 30 yards of each other, was put?—Yes, in the Tweed Act.

2520. Which Act is that?—The Act of 1857, sect. 42.

2521. What was the reason that they came to the conclusion to prevent those nets being shot within 30 yards of each other?—It was to prevent what we called barring the river.

2522. I suppose you think that, on the River Tweed, that is a rule which is very necessary?—I do; of course the limit may be less or more; my opinion is that, in a narrow river, it should not be more than 30 yards.

2523. Supposing a net were taking in the whole of the river, what proportionate distance would you name?—I would make it 50 yards.

2524. You think it would not be difficult to carry out that, I presume?—On the Tweed I only heard of one complaint during the last four or five years.

2525. The fishermen know the rule, I suppose?—Yes; there is plenty of evidence to convict a party offending.

2526. Mr. *Lowther.*] Is there any evidence of the value of the river given in money, or are there any data by which the quantity of salmon caught before the year 1861 and subsequently, can be estimated?—I cannot give the Committee that information, but Mr. Robertson, of the Berwick Shipping Company, has the details of the fish taken for the last 30 years.

2527. Mr *Liddell.*] I understood you to say, that under the Scotch Act your constables have power to pursue and apprehend criminals over the border into Northumberland?—Yes.

2528. Should you, for police purposes, and for the more efficient execution of the law, like Northumberland to possess the same power on your side?—They have the same power already; they can cross the border from Northumberland and come into Scotland.

2529. Now you have exercised great vigilance for some years past on the upper waters of the Tweed and Teviot, have you not?—Yes; the Teviot is not under me, but I know they have been very strict there.

2530. Am I right in supposing that the population of that district are rather partial to salmon poaching, or at least used to be?—Yes, they are; I know from my own experience, that when I first took charge of the fisheries on the Tweed, there was a strong feeling against the police being employed to watch the river, and I probed it to find out the reason for that opposition, and found that a great many very respectable persons were in the habit of making their kippers at 3 *d.* per pound, which they found they could not do when the police took charge of the fisheries.

2531. Did they not regard the increased stringency of the police supervision as an interference with their natural rights, or at least a long established custom?—Yes; the water-bailiffs were a different class of men to the police, and there were certain liberties taken that the police could not wink at.

Mr. G. H. List. 1 April 1870.

2532. Am I not right in saying that the whole feeling of the district rather regarded salmon poaching as a perfectly legitimate pastime?—Perfectly so.

2533. There would have been considerable difficulty, except by a very perfect organisation, in putting it down, would there not?—Yes; there were very few mill masters who would give the slightest information or assistance to prosecute poachers.

2534. And the hill farmers were not particularly fond of giving information, were they?—No; a leister could be found in nearly every house in those days.

2535. And a tar-barrel, too, I suppose?—Yes.

2536. Can you assure the Committee, of your own knowledge, that by the vigilance which you have exercised you have very materially reduced the offence of salmon poaching?—Yes; the public begin to look upon it now as a crime. In former times every man's hand was against the water-bailiffs before the police were employed to protect the salmon.

2537. Were not many of those gangs of poachers very resolute men, composed of rather notorious characters?—There were men of the worst character, generally, in them.

2538. There have been various affrays, have there not, with those poachers, attended with very serious personal injuries?—Yes; men have been thrown into the water, and nearly drowned.

2539. I presume that those collisions occur still sometimes?—Yes; the winter before last there was one very bad case up near Melrose.

2540. Do you, on your authority as a police officer, give the Committee to understand that, as a question of the improvement of public morality, the check given to the system of night poaching for fish has been attended with very gratifying results?—Very gratifying results indeed.

2541. Do you know, of your own knowledge, whether the vigilance which you exercise on your side of the border has had the effect of diverting the attention of those poachers to our side of the border?—We follow them; we go to England after them.

2542. Have you heard of many cases in which the poachers have come over from your side to the upper waters of the North Tyne?—No, I have not.

2543. Will you be kind enough to give the Committee a little more information about this artificial burn, the existence of which you know of in East Lothian; as I understand you it is of peculiar make, and very much like a real natural burn?—Yes.

2544. Do you attach much importance to that circumstance?—Yes, I do.

2545. Do you not think if you were to construct an artificial cut of this kind which did not carefully copy the natural character of the burn which you want to imitate, the fish would be deterred from entering such a cut?—I think they would take it more readily being natural, but they take those artificial things; there is one at the Earl of Wemy's place which is like a flight of stairs which the fish will go up, but few get over, of course, they will take a natural pass better.

2546. They would take it more readily the nearer you made it approach to the natural formation with small pools and so on, such as a natural burn would present?—Decidedly; we know very well that in heavy floods the larger fish go up in the slack water, that is the water on the side; and by this arrangement, instead of the pass being near the middle of the river, it is on the side where the fish would creep up.

2547. The fish are not at their strongest at the time when they go up to spawn, and their natural instinct teaches them to take the easiest road, does it not?—Yes; they would take this little burn at the side; the run of water in it could be regulated by a sluice, and the fish would find the water easy to take.

2548. But the natural instinct of the fish would induce it to prefer this cut artificially made to the main current, would it not?—No doubt the same as the fish in heavy water takes a smaller burn.

2549. You have stated that you are about to give your advice to Lord Haddington with respect to the construction of two of those burns very shortly?—Yes; I have to meet his factor next week or the week after, to look at a place where it is proposed to make a pass exactly on that plan.

2550. Have you got so far as to have made any estimate of the cost of constructing it?—No.

2551. Do you imagine that it will be costly?—Not nearly so expensive as the diagonal at Mr. Nesbitt Hamilton's, which cost, with the small weir at the bottom, 80 *l.* or 90 *l.*

2552. You have no doubt of being able to construct one of those artificial passes for much under that sum?—No, because there is no skilled labour except the sluice; it is all a question of removal of earth.

2553. Now, with regard to the use of this cut, will it not be the case that when you will take the water from the miller, it will be at the season of the year when he will not require that water in consequence of there being an excess of flow?—Yes; but under the Scotch Fishery Act we are entitled to have all water not used for milling purposes, to go over the weir.

2554. At all times of the year?—Yes, at all times of the year, from Saturday night, when the mill is put off work, until Monday morning. The water, if not used for the mill, must go over the weir or pass, and we expect to get salmon up into the Hailes water the summer after it is made.

2555. I presume that if the miller is aggrieved by your taking water which he requires, he has his remedy against you?—We only take what he would let run through his bye-wash.

2556. That is what you would apply to the purposes of this cut?—Yes; we would not draw a drop of water which the miller would require for his mill.

2557. I need hardly ask you whether a salmon burn of this kind would obviate all the irritation caused by tampering with the dam and interfering with masonry?—Yes; the whole of that earth taken out of the cut I would put up on the banks of the river to prevent the water from overflowing.

2558. Is the river, in which this cut has been in operation, a salmon river?—Salmon get up so far, but it is a trout river.

2559. Do the salmon use this cut?—Yes, plenty of them do for spawning, but few salmon can get up, in consequence of some rocks at Linton, where the railway passes, and we are going to cut or blast them this season.

2560. You were asked a question by one of the honourable Members, whether you thought it would be desirable to curtail the rod fishing in the autumn

autumn by a month, and stated as your opinion that it would probably be as broad as it was long, inasmuch as it would tend to diminish the care taken in the preservation of the fish, and consequent increase of poaching; I collect, from your evidence, that you do not recommend any curtailment of rod fishing?—I certainly would not recommend it, because the feeling against us in the upper waters would be so strong that we could not even get houses to put the men into for watching purposes without buying land and building them; and people in the upper districts are so dead against protection that if they did not get some privilege we could not get assistance to protect the fish.

2561. Do not the prevalence of floods in the autumn practically place a natural check upon the excessive take of fish by the rod almost every year?—There is no doubt about it.

2562. Mr. *Liddell.*] You have been asked whether you were in favour of giving the upper nets some advantage over the lower nets; would you propose to do so?—No; they are all under the same restriction at present.

2563. But could you give any such extension as that, and at the same time maintain the law, prohibiting the sale of the fish after a certain time?—No; I do not see how you can do that; it is illegal to sell fish taken by rod and line during the annual close time for nets; and if you had different times for net fishing on one river, I do not see how you could prosecute a party for selling fish taken by rod.

2564. I suppose as a police officer you would express the very same opinion, with reference to the variation of the annual close time in different parts of the kingdom?—I cannot say anything about the fisheries in the north of Scotland; I think if they could be brought to one period of close time it would be most desirable, but probably it cannot be done.

2565. Mr. *Whitwell.*] How many Acts of Parliament are there to regulate the Tweed fisheries?—There are two Acts of Parliament, one passed in 1857 and the other in 1859.

2566. Do those Acts of Parliament to which you have referred, empower the commissioners to erect grates on the water entries, and exit of mills?—On the upper part at the intake, but not at the tail, which is a very serious defect; the Scotch Act gives the commissioners in Scotland that power at the tail of the dam, but not on the Tweed.

2567. *Chairman.*] If I rightly understand you, you think it is very desirable that that provision should apply with respect to the Tweed?—Decidedly; at a place called Ford, on the Till, I have to place a man to put fish back into the river, left below the mill-wheel when the water is taken off.

2568. Mr. *Whitwell.*] Are gratings put at the expense of the commissioners?—No; by the Tweed Act of Parliament the miller must do it.

2569. Mr. *Lowther.*] Have you any officers on the Tweed corresponding to the inspectors of fisheries in England?—No, we have no Government officials.

2570. Mr. *Herbert.*] Are you a fisherman yourself?—Yes, a rod fisher.

2571. With regard to the proposition of a general close time; I think you must know that fish run in different rivers at different times?—Yes.

2572. Some begin in January, and others not till June or July?—Yes.

2573. Would it not, in your opinion, be unfair that there should be one law with regard to those rivers?—Yes, that is my difficulty; I cannot see my way to one close time.

2574. Under those circumstances, do you think that fishery commissioners should have power to alter the close time in the different rivers to which they go?—I do.

2575. *Chairman.*] Perhaps you would give fishery boards power to make regulations in the first instance, subject to the sanction of some central authority?—Yes.

2576. Mr. *Liddell.*] But if you have a close time varying in different rivers, can you see your way to exercising a sufficient control over the sale of illegal fish brought from other rivers?—If you do the same as in the Tweed you throw the burden on the man from whom the fish are taken to prove that he has obtained them legally.

2577. You have had cases of that kind come before you, I suppose—Yes; we had, the other day, a quantity of foul fish sent down to Berwick; but the man who sent them had a number of witnesses, to prove that he took them with rod and line; though I do not believe he did.

2578. But even if you land a foul fish, it is illegal to destroy it, is it not?—Under the Tweed Act, sea trout may be taken, but not to be sold; and this man said that the fish were intended as a present; and the fishmonger to whom they were addressed denied all knowledge about it, though his name was on the basket.

2579. Mr. *Herbert.*] Do you not think the public would lose a great deal of fish for food if all rivers begin and end at the same time; there must be a good deal more good fish lost, in proportion, than in the other way, must there not?—There is no doubt about it.

2580. *Chairman.*] Is there anything you wish to add to your evidence?—With regard to the fish taken in hang-nets, I heard the evidence of the last witness, and I can confirm what he stated as to the fish being bruised. I have seen fish taken by poachers in hang-nets cut up; there is a bruise right round the back of the neck, and the blood will go down from half-an-inch to an inch in among the flesh.

2581. The fish is bruised and injured, it is just like a sheep getting a sudden blow?—Yes; I have seen fish that were caught in nets dead; the bailiffs get them; the year before last we had 300.

2582. You think it undesirable that hang-nets should be used for capturing salmon, do you not?—Decidedly, as, in addition to their injury, many dead fish fall out of the nets, in drawing them, and are lost.

2583. Mr. *Liddell.*] A bruised fish, such as you describe, is not to be compared as an article of food to fish captured in a different kind of net, I presume?—No, you would not attempt to eat the bruised part of it, which is suffused with blood.

Tuesday, 5th April 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knight.
Mr. Assheton.	Mr. Liddell.
Mr. Dodds.	Mr. Pease.
Colonel Edwardes.	Mr. Evan Richards.
Mr. Hambro.	Mr. Whitwell.
Mr. Herbert.	

JOSEPH DODDS, Esq., in the Chair.

Mr. John Frederic Bateman, called in; and Examined.

Mr. *J. F. Bateman.*

5 April 1870.

2584. *Chairman.*] You are a Civil Engineer, are you not?—I am.

2585. And you have had very large experience, I believe?—I have been 35 years, or more, at work in my profession.

2586. You have had considerable experience as an hydraulic engineer, have you not?—Yes; especially as an hydraulic engineer.

2587. I believe that you are engineer to the Glasgow waterworks?—Yes.

2588. Were the works for the supply of water from Loch Katrine constructed under your direction?—Yes, they were.

2589. You were also engineer to the Manchester waterworks?—I was.

2590. Have you had any experience in constructing weirs for mills?—Yes, I have constructed a good many.

2591. Have you also constructed fish passes?—I have in connection with the the Loch Katrine waterworks, and I know the circumstances of fish passes in many parts of the country; I am very well acquainted with the first successful fish-pass, namely, that made by Mr. Smith of Deanston, at the Deanston weir, on the River Teith.

2592. Will you be kind enough to state briefly to the Committee, what the character of that pass is?—That pass was originally a groove about 10 feet wide, with a slightly descending gradient, the weir having a fall of 12 or 15 feet.

2593. That was at the Deanston Works?—At the Deanston Works upon the river Teith, above Stirling; I forget the fall, but I should say that it was about 15 feet from the head to the tail of the weir; the apron of the weir was a gently descending gradient of, I should say, about one in six; it originally consisted of a groove about 10 feet wide, and after that logs of wood were put alternately like my fingers put together, projecting about four-fifths or five-sixths across alternately from side to side, so that the fish had to make a zigzag journey up the ladder; that was very successful, and it was after studying that that I designed the fish passes at the outlets of Loch Katrine at Loch Vennacher.

2594. Deanston is between Stirling and Callender, is it not?—Yes, just above the town of Doune.

2595. I need hardly ask you whether you have had special occasion to consider minutely the velocity of water flowing in a river over obstructions and through orifices?—Yes, I have.

2596. You are, of course, acquainted with the experiments made by Smeaton and others on that subject?—Yes, all of them, I think.

2597. Weirs erected in rivers for the purpose of supplying mills, pond up the water to a certain height, do they not?—Yes.

2598. Of course in wet seasons there is a very considerable superabundance of water flowing over the crest of the dam?—Yes; in all cases in certain seasons of the year there is more water than the miller can use.

2599. Of course the effective power of the water for milling purposes depends on the height of the water in the pool above the dam?—Upon the fall and the quantity.

2600. Have you read the evidence given by Mr. Paterson and Professor Rankine before this Committee last Session?—Yes, I have.

2601. Have you considered their views with regard to the effect of making a rectangular notch in weirs on the level of the water in the mill-pool?—Yes.

2602. Will you be kind enough to tell the Committee what your opinion is with respect to that proposal?—If you are dealing with surplus water only, which I see is the basis on which they proceed, there is and ought to be no difficulty in making a pass for the fish as far as the practical operation goes. There are some weirs no doubt which are so badly constructed that it would be difficult to meddle with them without their coming down; but in such cases that difficulty may, in most instances, be evaded by making a fish pass on the side. The fish-pass which they speak of as being two feet square, I dare say is not too large in large rivers, but it seems almost more than sufficient in smaller rivers, and, therefore, I think it might without disadvantage be reduced in size. According to the character of the opening, and approaches to and from, that would allow from 13 to 17 or 18 cubic feet of water per second to pass through, and that is equivalent to about $1\frac{1}{4}$ or $1\frac{1}{2}$ horse-power to each foot of fall; so that it would not do to use that pass in ordinary states of the river, when all the water was required, for that quantity of horse-power would have to be multiplied by the number of feet of fall; therefore, it can only apply

to

times when there is a surplus over and above hat the mill can use.

2603. If I rightly understand your evidence, ou think that in an ordinary case a less opening ould be sufficient for all practical purposes?—think so in small rivers; I see there are many pinions about that; Mr. Roberts says that bout 13 inches wide and 18 deep would be sufficient; if it is merely with regard to the quantity of water in a large river, two feet square or wo feet by three feet would be comparatively a small amount; in smaller rivers it might be desirable to reduce the size for the purpose of using the smallest quantity of water that could be used with advantage; that is a matter of detail, however, and not a matter of principle.

2604. In Mr. Paterson's evidence, in reply to a question put to him by the honourable Member for Kendal, he gave a formula for working out the calculations made by Professor Rankine and himself; has your attention been called to that part of the evidence?—I do not think that that formula for working out the calculations would be entirely applicable; it is not in any degree incorrect, but it assumes a constant co-efficient which is not applicable; the co-efficient of velocity, which follows the law of falling bodies, varies according to the form of the crest of the weir, from three feet to perhaps six feet per second, the velocity of a falling body being eight feet. Professor Rankine's calculation supposes a uniform velocity, but the calculation is so simple that it does not require any special formula except the knowledge of the proper co-efficient for the special circumstances.

2605. You think that Professor Rankine has taken too high a co-efficient?—I think it would prove too high in almost all cases.

2606. Adopting that formula, however, we should be perfectly safe, should we not?—In principle it is perfectly right.

2607. Then if there be surplus water flowing over the crest of the dam the result is, that the level of the water in the weir would remain unaltered for all practical purposes?—If you take a regular topped weir, which is a common form of weir, it would require 100 feet in length, and a bar about two inches in depth to be equivalent to the quantity of water, which would pass through an unobstructed opening two feet square and two feet deep; of course if the weir were longer the equivalent elevation would be less; if the weir was shorter it would have to be greater; that does not quite represent the facts, because if you have surplus water which would raise the head it would in the same manner, and perhaps to the same degree, raise the foot; therefore you have to allow for the tail water as well as the head water.

2608. You have to take care that the level of the tail water is not thereby raised?—Yes, we have to take care that the fall of the water is not altered. If the river is the same width below as it is above, a rise of two inches by reason of surplus water above, would be a rise of two inches below; therefore you would have to compensate for that also; which has been overlooked in those calculations.

2609. That raising of the tail water would diminish the velocity?—It reduces the fall; and as the power is directly as the fall, it would reduce the power to that extent.

2610. It is entirely a question of degree, but perhaps generally it would be only when the water in the mill-pool falls so low, as say an inch over the crest of the dam, that the existence of an open notch would be practically felt?—Yes; in a low state of a river the existence of an open notch would be felt to the annihilation of the water power in small streams very frequently. It is by no means an inconsiderable stream which yields from one to one-and-a-half horse power to each foot of fall. In many large rivers it would not be felt at all; but looking to the spawning grounds and the small tributaries to which the salmon would go, it would not do to let that notch remain open, except in times of flood.

2611. It would not do at such times as, as we know from practical experience, nearly the whole of the water flowing down the river is required for milling purposes, and very often is insufficient for milling purposes?—It is insufficient very often in times of drought.

2612. Mr. Roberts, I think, has prepared some plans; have you seen them?—Yes; I have seen them.

2613. At such times would you contemplate the closing of the notch?—It must be closed whenever the miller has no more water than he requires, and when in dry seasons the whole of the stream is necessary for driving his machinery.

2614. It has been suggested to this Committee, that a self-acting valve might be constructed, but I believe there are some difficulties about that, are there not?—I saw a very ingenious model of a self-acting valve in the office of the Fishery Commissioners in Parliament-street, but I dare say that it may be liable to objection. It may be liable to be choked by boughs of trees, as it closes vertically; it might offer an impediment to the free passage of the fish; but I cannot see any great difficulty, except that of constant watching, and taking care that it should not close when the miller ought not to close it; it would require a kind of river police to watch it. I think that it might be very well closed by ordinary manual labour. In a mountain torrent a river is liable to a great amount of *detritus* being brought down, which might interfere with any self-acting arrangement, and you cannot adopt in many cases, and perhaps in no case, in a river of that nature, the same arrangement that I adopted at Loch Katrine and Loch Vennacher, which was to have a descending sluice. Suppose, for example, that this table was the floor of the pass over which the water would go, and the sluice was raised so as to let the water go over, it would stand, perhaps, a couple of feet above the sill of the pass, and as the water fell in the Loch, it would be gradually lowered, having nothing but deep water and no impediment in the way of gravel until it came eventually to the level of the sill of the pass; but that cannot be done in every river, in consequence of the gravel which would be carried down and bank up against the back of the weir. And any vertical opening would perhaps be liable to the same objection; but there is no difficulty in making a sliding door to work horizontally, which might be worked very easily from the bank.

2615. Do you think that that would be better than a self-acting valve?—Yes, if you had an opening two feet square, you might have a sliding valve worked from the side; you might narrow it to one foot or nine inches, and eventually you might close it altogether. A wrought-iron bar might be carried inside a pipe, and brought to

Mr. J. F. Bateman.

5 April 1870.

land and put into a box which contained a hand-lever to draw it backwards and forwards.

2616. Mr. *Whitwell.*] Do you mean a horizontal sliding valve?—Yes, a horizontal sliding valve worked by a horizontal rod within a pipe carried to the shore.

2617. *Chairman.*] Then I will ask you whether such an opening as that has a tendency to attract the wreck and so on coming down the river?—A certain amount of *débris* will follow the strongest current, other *débris* will deposit itself in the slackest current, but the strongest portion of the current is that which has the most powerful effect on the bottom, and which carries the material forward.

2618. If this valve were a self-acting valve, when the aperture is open, generally speaking the river would be in its ordinary state; but, of course when it is in flood the greatest quantity of wreck comes down, and at such times this valve would be practically useless, would it not?—No, the strongest portion of the current would be through the gap, and everything light would be carried through; heavy matter might be deposited, but the bulk would be carried through the pass, so that there would be always a kind of gutter or channel upwards from the pass to some distance.

2619. About 30 years ago you devised a self-acting valve yourself, did you not?—Yes.

2620. Was that for the purpose of discharging the surplus water through an aperture?—Yes; I will sketch it. (*The Witness made a sketch, and handed it to the Committee*). The suggestions for self-acting sluices are older than I am; the first idea which I obtained of them was from a drawing in "Gregory's Mechanics for Practical Men"; that is one worked by a barrel which would float like the ball-cock of a cistern, and upon that I suggested what I believed to be an improvement, but which in the same form as originally suggested has not been used, though some modifications have: it consisted of two vertical shutters working upon pivots so adjusted that when the water was at the proper level they stood vertically, and prevented any escape of water, and as the water rose, and the pressure became greater upon the upper half of the upper shutter, and upon the lower half of the lower shutter, so as to force them open in the direction of the stream, they assumed a horizontal form, so as to disappear as it were, and the water passed over the upper one, between the two and under the lower one; then as the water fell back again to the ordinary level, the shutters regained their vertical position.

2621. Have you seen a French model that was shown to the Committee, last year, by Professor Rankine?—That is the one I saw at the office of the Fishery Commissioners in Parliament-street. It is nearly the same thing as my own suggestion, but it is, I think, an improvement upon it.

2622. I gather from what you have stated that you are not very sanguine as to the success of a self-acting valve, but that you think the principle is sufficiently good to warrant an experiment?—I think that a self-acting valve may be provided, in many cases, with very great advantage. Self-acting valves, in rivers which are not liable to bring down much *detritus* or branches of trees, or hay-cocks, or self-acting valves placed at the foot of lochs or lakes, may be adopted with great advantage and without much risk of failure, but in wooded countries and in flat districts where the rivers when flooded carr away the hay from the fields, self-acting valve would be liable to be stopped.

2623. That is the case with many rivers i England, is it not?—That is the case with man rivers in England.

2624. This is a mere device to save manua labour, and is no essential part of any fish pass is it?—No; I see great difficulty in leaving i under the control of a miller, whose sole objec is to get all the power out of the water that h can.

2625. You think that, until experience ha shown that such a valve may be worked with advantage, the better thing would be to depend on a different kind of valve somewhat similar t the one which you have described?—I see n reason why, in favourable situations, they shoul not be used simultaneously. Self-acting valves are abstractly more desirable than valves which require the attention of men.

2626. We have heard that in some cases the miller objects to a notch being made in the weir on the ground that it would injure the stability of the dam; is it your opinion that such openings may be made without the slighest injury to the dam?—There are many dams which I should be very sorry to touch in any way; sometimes a dam is a heap of stones only, just on the balance, and very little disturbance would carry it away; but there are also a good many dams where a structure of this kind could be put without any injury, and some cases where it would strengthen the whole erection; but where dams are so treacherous that you cannot touch them, you may make a pass round the end of them.

2627. But even in very loose ones the principal danger would be during the time the operation was being carried on, I suppose?—I do not know that, because you create a great velocity through the pass, and you may create a scour, and you hardly know what mischief might be done.

2628. But in all ordinary weirs, and weirs built in the ordinary way, there would be no risk?—In all ordinary weirs you could do it by proper management, and without injury; in some weirs you could do it with perfect impunity.

2629. And in some cases it would strengthen the weir?—In some cases you may have to take such measures as would materially strengthen the whole structure.

2630. Generally speaking, is there any practical danger or risk in making an opening of that kind in any of the ordinary dams of this country?—No; in many cases it is a work which would require care. There are very few cases in which it could not be done; but there are, no doubt, some cases in which, if I were called upon to do it, I would rather build a new weir, and put a pass in it, than put new wine in old bottles.

2631. And in all such cases it would require a certain amount of professional experience, and a certain amount of engineering skill, to carry out any operation of that kind, would it not?—Yes; it would require competent skill, and if you came to put a fish pass and make a compensating elevation of the weir, it would require a proper knowledge of the quantity of water which the particular weir would pass, and the height to which you must raise the weir, which would depend on special knowledge of such questions. It is a work that could hardly be left in the hands of an ordinary country millwright.

2632. When cases where you think it would

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be undesirable to meddle with a weir which is composed of a heap of loose stones, could you in such cases without difficulty construct an efficient fish pass without at all cutting into the dam?—Generally. I can only speak generally; for it might be that a weir might exist between buildings on both sides, or between perpendicular rocks, or there might be other circumstances which would create a difficulty, but generally speaking it would be so.

2633. You think that in most cases a pass may be made very easily, and without injuring the dam at all?—Yes, in most cases you could either go through or go round.

2634. A competent engineer would be able to decide at once with regard to the practicability of that, and as to the mode in which it should be done, would he not?—Yes.

2635. And without asking you to give an answer applicable to every case, I will ask you whether, practically, fish passes may be constructed without injury to the dam in the great majority of cases?—I should say certainly in the great majority of cases, and if it came to be a question of a single weir, or more than one weir standing in a river which otherwise would be a good fish river, I do not think that even if that weir were such a one that you dare not touch it, that that should stand in the way of its being put in a condition in which a fish pass could be made. In my opinion it is a question of who should bear the cost, but I think that no weir ought to stand in the way if the fish are to pass up, for sufficient public reasons.

2636. Are there cases in your experience where it would not be unreasonable to remove the weir, compensating the owner for any damage?—That is a principle applicable to every case, that if the owner of a weir is put in no worse condition than he was in before, and is properly compensated for any interference or temporary injury, he ought not to complain if it is a matter of national importance that the fisheries should be encouraged.

2637. I suppose you would see no difficulty with regard to adopting the same course, with reference to a mill weir, to be removed for the purpose of a fishery, as where a weir is required for the purpose of constructing a railway?—Just so; if the work were one of public utility, private interests should give way.

2638. Do you think that the machinery provided by the Lands Clauses Consolidation Act would afford the owner adequate protection?—I have not considered that point with respect to these particular circumstances; but I should almost think it would; at all events it would not be difficult to frame clauses which would give adequate protection.

2639. Has your attention been directed to the necessity of placing gratings across mill races?—Yes; you would have to erect gratings both above and below the water wheel, to prevent the fish taking that course, and being crushed to death in the water wheel; I know a case at Cork, on the River Lea, where a turbine is used which chews up all the little fish in a most extraordinary way; that is just above the waterworks at Cork, on the River Lea.

2640. Do you know the River Tees?—Not particularly.

2641. You do not know that at Barnard Castle we had a similar turbine?—I do not know.

2642. Would the erection of a grating at the head of every mill race occasion any insuperable difficulty in the way of obstructing the flow of the water to the mill?—In many cases it would be a very serious difficulty if the grating were a fine grating; every mill wheel has, of course, a grating to prevent any boughs of trees getting in, and so on, and that requires to be cleaned; but if a fine grating (I do not know how far apart the bars should be), say with bars an inch and a half apart, would require very constant attention; and if erected above the wheel or below the wheel, it would involve a considerable amount of manual attention. In the Manchester waterworks we have a series of fine moveable grates put across a number of watercourses, which carry water to Manchester; they are open watercourses, and in the autumn when the leaves are falling, we have to keep men constantly employed. They turn upon a pivot and throw the leaves down upon a platform, and they are cleaned out in that way; they have to be cleaned several times a day in the autumn, and in any wooded country you would be liable to the same objection; everybody who has had a grating before a water wheel will have observed that.

2643. Is it necessary now in order to protect the water wheel?—Yes; but the grating is generally so coarse, that leaves, to a very great extent, would pass through it; I should say that the ordinary gratings which are now used would be too wide to prevent the salmon passing, but I have never considered the point, as to what space between bar and bar would be sufficient to prevent them passing.

2644. Would you say that a comparatively close grating is required to prevent the young fish coming down in the spring and a large one at the tail race, to prevent the big fish passing up in the season?—If the bars were an inch or an inch and a half apart, a considerable amount of labour and constant attention would be required to keep the bars open.

2645. Might that difficulty be overcome by widening the mill race at that point?—No, I do not see how it can be overcome at all; if you introduce a grating in which the bars should be twice as close as they are now, you, of course, diminish the water way one half, and then you must increase the head above in order to pass the same quantity of water through the diminished space; you might widen the mill race at the top so as to give a larger space for the water to pass through; but suppose hay and weeds or leaves come down and get across the bars the grating is effectually shut, and then the water rises up above, and you will have a fall of several inches between the upper and the lower side; no increased width would prevent that occurring; it could only be cleaned out by raking the stuff out or by otherwise removing it; that, I think, is a question as to the value of the fishery being enough to pay for the extra labour that would be incurred in keeping the grating clean.

2646. Do you think that any additional expense cast on the mill-owner on that ground, should be paid for by the fisheries, for whose benefit the grating is erected?—Certainly.

2647. Does any difficulty strike you with respect to the erection of gratings at the tail races of mills?—Yes; that is attended with the same difficulty, except that the grating at the upper side would stop the bulk of what would

Mr. J. F. Bateman.

5 April 1870.

pass down, and therefore the tail race grating would not be so liable to be choked.

2648. Generally speaking, the two gratings are not used together; the gratings at the head race would be used in the spring of the year, about the time when the fry and spent fish are descending the river, and those at the tail race when the fish are going up to spawn in the autumn?—In the autumn, the objections which I have stated principally apply; and then there would be comparatively little obstruction in the tail race as compared with the head race; but at other seasons of the year, when the head race is not impeded, the tail race would not be impeded either, because the current if it did not deposit above, would certainly not deposit below.

2649. You have stated that you have constructed fish passes?—Yes.

2650. Do you know whether those fish passes which you have constructed, have been tolerably successful as a rule?—The principal fish passes which I have constructed entirely new, are at the outlet of Loch Vennacher, in Scotland, and I will show the Committee a plan of them.—(*The Witness produced a plan, and explained the same to the Committee.*)

2651. That is on the River Teith, above Deanston, is it not?—Above Deanston, above Callendar. There is Coilantogle Ford (*referring to the plan*); this is the old course of the river. We obtained the power of raising Loch Vennacher 5 feet 8 inches, which was the maximum height in floods (the area is above 900 acres), and of drawing it down below summer level 6 feet, which gave a total rise and fall of 11 feet 8 inches. We had to overcome that height by sluices, because there was an obligation to make fish passes, which would allow for the egress and ingress of the fish at all states of the Loch; and for the purpose of drawing off the water we had to cut a new water-course altogether for a considerable distance, in order to get a sufficient depth to draw off the water at the bottom of the Loch. We endeavoured to overcome the difficulty of getting the fish up at all times, by making four fish ladders, two on each side, which should work at different elevations. I will explain that to the Committee upon a larger drawing.—(*The Witness did so.*)

2652. Mr. *Liddell.*] Were you bound by the conditions of your Act of Parliament to construct those passes?—We were.

2653. *Chairman.*] What is the title of that Act of Parliament?—The Glasgow Waterworks Act, 1855.

2654. Parliament imposed upon you the condition to construct those weirs?—Yes, Parliament imposed upon us that condition.

2655. Was that because it was part of your scheme?—It was part of what we had to do. This plan represents the valve-house; we had to give a considerable quantity of the water for compensation; the quantity varies from 4,500 to 6,000 cubic feet a minute. That was in itself a very considerable river, and besides that we had to command the water in such a way that in floods it should never rise more than a few inches above the statutory height. We erected, in that dam across the outlet, a considerable number of sluices, which will be represented in another plan (*producing another plan*). This is the front view of the various openings which we have. That pass or salmon ladder, which is on the south side, is used when the water is at the lowest; then as the water rises, the southern-most sluice and ladder of the northerly side are used; as the water rises again they are closed, and then the most southerly one is used; and as the water still rises then the most northerly one is used; and after that there is a pass in the weir itself which is supposed to be sufficient to let the fish pass up and down without any artificial means beyond the pass. Those sluices are so arranged as to draw the water down to near the bottom. Each sluice slides downwards upon framework, and as the water lowers in the loch it is reduced in height and then the water passes over, and when it can no longer pass over there, the one on the other side is used in the same way, and so on until you get to the bottom. Those were supposed to answer very well; they were not constructed quite in the same way as the one at Deanston, but I put sills of stone right across the ladder six feet wide with eight or nine inches of elevation above the floor of the pass in expectation, looking to the roughened surface, that with no more than a sufficient quantity of water the fish would pass up; and it did act pretty satisfactorily to my mind, but it did not please the fishermen. We then adopted the Deanston plan, having a deeper sill across four-fifths of the distance, leaving a notch at each end alternately, in the hope that that would overcome any objection; but they are still not satisfied, and their principal objection arises from this. You will observe the sluices which command the water, and through which the compensation water must be drawn. The quantity being far too much to send down the fish passes it is necessarily discharged through the sluices in the dam. As these are higher up the new watercourse than the foot of the various ladders, the fish miss their way as they follow the current, and try to get through the sluices, and have not the sense to turn back and take the proper staircase. Water may at the same time also be passing over the waste weir, and the water coming down the old river-course puzzles the fish as to the way they should go. Upon that I have recently reconsidered the plan, and suggested alterations.

2656. How long has that weir been constructed?—It has been in full operation since the year 1859; this is another plan (*producing the same*) showing the alterations proposed. The water is discharged through those various sluices, and of course there is a current coming down from the head of the watercourse, immediately below the dam; I propose to stop the ladders here, and turn them up to the dam, and use them alternately in this way: the ladders being turned towards the dam, the foot of each would be close to the spot at which water was being discharged through the sluices in the dam. The fish attracted by the current would come up to the dam, and would nose about till they found the foot of the ladder up which they would pass; by simple arrangement the ladders are made to work one after another as the water rises or falls, as already described; I hope that that plan will prove a successful one.

2657. This is, at present, merely projected?—This is merely a project.

2658. The only alteration between this and the existing system is the entrance to the pass which goes below the foot of the dam, is it not?—Yes, that may be said to be the only alteration.

2659. Where do the fish now go up?—They come

come up here and down there (*referring to the plan*).

2660. Mr. *Knight.*] Why do the fish come by the circuitous route?—Because the water coming down here was discharged at that point (*referring to the plan*), while the water was also being discharged in another place in great quantities; the fish did not take the first stair, they followed the current, and they tried to get in at the sluices where the current was too strong.

2661. *Chairman.*] That would be the strongest current, I suppose?—That would be the strongest current when they got into the open water.

2662. What is the dimension of these openings?—They were six feet, and I believe I have made them about seven feet.

2663. And how deep are they?—Four feet on one side of the cross sills, and three feet on the other; and then they will stand probably a foot above the water.

2664. Mr. *Herbert.*] Is the quantity of the water regulated?—Yes, it is now, and it can be hereafter regulated. The chambers are about six feet by seven feet.

2665. Mr. *Knight.*] Can the fish run up a steeper gradient than one in 10?—The Deanston pass is steeper than one in 10.

2666. What is it at Deanston?—It is one in six, I think. This weir at Loch Vennachar, is one in six, and is a copy of Deanston.

2667. The fish go up there, do they?—The fish go up; there is a similar ladder at one end, with bars across, in the same way as it is proposed here.

2668. Mr. *Pease.*] Have you taken any means to prevent this river going back to the old course?—No, not at present; but, probably, in connection with this, we shall have to put a grating across. I may perhaps say that among other things I have studied the jumping of salmon; I first thought of making so many pools or pockets, but I find that the salmon require about four feet of water to jump out from, and therefore you cannot get efficient pools unless you have a depth of four feet or upwards.

2669. Mr. *Hambro.*] Could you not get that here?—Yes, but I think this is better than having so many pools to jump in.

2670. *Chairman.*] You think this plan is better?—Yes; I think with this ladder, with water enough and not too strong a current, the fish will swim up, and if they are tired they rest behind the cross sills (*pointing to the plan*), and then they make another shoot and rest again; they have only a head of water of eight or nine inches; if you make the spaces longer you will have 18 or 20 inches; I was rather in favour of a jumping system to begin with, until observations, information, and other things led me to prefer the other plan; I think this system is better than the pool or pocket system.

2671. That is your matured opinion upon the subject?—Yes, that is my matured opinion on the subject, if it is of any value, where most of us are in leading strings.

2672. You think that the passes have been tolerably successful in their present form?—The fish have certainly gone up; but whether they have gone up in the same number as they would have done if the passes had been constructed as I now propose, I cannot say.

2673. You confidently anticipate that if the changes now proposed are made, the fish will get up freely?—Yes; I judge of that from the successful passes in Ireland and elsewhere, where this very plan has been adopted.

2674. Has this plan been submitted to those who are interested in the fishery of the Teith?—I think not, beyond the persons interested in the waterworks, the Glasgow water commissioners.

2675. Who are the persons interested in the Teith fisheries?—There are proprietors lower down on the stream and above Loch Vennacher; but the complaints that have been made have come from the Commissioners of the Scotch fisheries, who, I suppose, represent the complainers on the river.

2676. Is the Act to which you refer the Glasgow Corporation Waterworks Act, 1855?—Yes.

2677. I see the 79th section provides compensation for some owners of fisheries, "Town Council of the Burgh of Stirling"?—Yes; it was stated that we should inevitably injure the fisheries, and we agreed to give them compensation.

2678. To the extent of 40 *l.* per annum, was it not?—Yes.

2679. Can you point out the clause in the Act of Parliament under which you are required to construct those fish passes?—I do not know whether the clause actually required that, but I know I did it.

2680. I see there are clauses regulating the mode of constructing outlets from Loch Katrine and Loch Vennacher; clause 64 says, "In the construction of the new artificial outlets or other works at the mouth or outlet of Loch Katrine and Loch Vennacher respectively, the Commissioners shall so construct the works and regulate the flow of water therefrom that salmon and other fish may at all times, or during such period as the water shall be discharged, freely pass into or from the said lochs respectively"?—This plan shows the outlet of Loch Katrine at the time the weir and fish ladders were being constructed; the whole of Loch Katrine was commanded by a very small dam at the outlet; there was a narrow gap in the rock at that point (*referring to the map*); there are two sluices for the purpose of discharging water, and two salmon ladders, and the photograph shows them in course of construction.

2681. The mode adopted was similar to that adopted on Loch Vennacher, was it not?—Yes, it was similar to that on Loch Vennacher; the salmon never went up Loch Katrine; there is no spawning ground above, and the lake is very cold; there is only just a traditional account of one salmon having been caught there.

2682. Have you constructed any other fish pass recently?—No.

2683. Mr. *Herbert.*] When were you last at Cork, when you saw this turbine killing salmon?—It is six or seven years ago.

2684. Who owned this turbine?—The waterworks company of the town.

2685. Were they slats, or the fry, that you saw killed?—They were only small fish; the fry.

2686. You do not know that since that time the owners of that turbine have put up a very fine wire grating which hardly a minnow can go through?—No.

2687. If that were so, that would effectually stop the fish going down, would it not?—I suppose it would.

2688. You do not know anything about the

Mr. *J. F. Bateman.*

5 April 1870.

Irish fishery laws, I suppose?—No; but I know many of the Irish rivers intimately.

2689. Are you aware that there is now a provision in that Act of Parliament that every man who has a turbine is to put a wire grating before his turbine?—I was not aware of that; but I think it is very necessary, because no fish could pass a turbine without being made very small bones of.

2690. Mr. *Pease.*] In your experience can it be said that you can make a fish pass at any dam, or past any dam, without destroying the power of the dam for milling purposes?—Certainly, if you only deal with the surplus water, *i. e.*, more than the mill requires for driving the machinery.

2691. But without that limit how would it be?—Without that limit you cannot; you cannot pass the water which would otherwise be useful to the mill without injuring the milling power.

2692. After the water is once below the crest of the dam, you mean?—It need not be below the crest of the dam, because the water above the crest of the dam adds a certain amount of height to the fall, or gives him the means of overcoming back-water at the foot.

2693. But cannot you raise a slope past the end of his dam, so as virtually not to lower the water in his dam; cannot you, by going from a point below the dam to a point above the dam, to one past the side of the dam, keep the level of his mill head untouched?—Supposing the mill to be so placed that it does not occupy the whole of the fall over which the owner has command, you might give him the same amount of mill fall probably, by deepening his tail race, and so bring the fall up from the lower level, or by raising the water so that it does not dam back upon the land of his neighbour above; but you cannot use the water which he requires for driving his mill, to pass either through or round the dam, without lessening his milling power; it must be the surplus water that you deal with.

2694. Mr. *Knight.*] Are the mills on most salmon rivers generally worked day and night?—It depends entirely on the character of the mill. Iron works would work day and night, and many corn mills would work day and night; cotton mills would only work in the day. Flour mills would work day and night frequently. And then, again, it depends very much on the season of the year, and the casualties of trade. There are many mills which do work day and night, but cotton mills under the Factory Act would not work day and night.

2695. Mr. *Hambro.*] I understand you to say, that if you put a grating across a river, you diminish the quantity of water one-half, and that the only way to obviate that would be to widen the river?—What I said was, that if you put a grating which would occupy twice as much space as the present grating, you necessarily diminish the water way one-half; but of course you may put any other proportion; but if you do diminish the water way, you cannot get the water through the diminished space without additional velocity; and as you cannot get an additional head of water above, you diminish the fall below.

2696. My impression has always been that, supposing there is a river 20 feet wide and you put a grating diagonally 40 feet long, you would be able to pass the same quantity of water through the 40 feet grating as you did before?—That has been a favourite theory of a good many engineers; it looks very plausible, but I do not believe it is correct.

2697. Have you ever seen it tried?—Yes, constantly; there was a great discussion years ago, about the weirs upon the Severn; the late Sir William Cubitt advocated that principle, that a diagonal weir like that would discharge a much larger quantity than a weir right across; but that depends very much on other circumstances, the water must come down that narrow way, according to its depth, volume, and velocity; it appears as if you could get twice the quantity of water through, if you double the length, but I do not think that is so to the full extent.

2698. You would not recommend any practical man who wished to try to overcome the difficulty, to adopt this plan?—Yes; it does obviate it to some extent, but not to the extent for which credit is given to it; you must consider also that the water passing through the bars is subject to a large amount of friction, because the sides of every bar have to be rubbed by the water, and the friction diminishes the velocity; there is no inconvenience in that, but there is a loss of head.

2699. Mr. *Whitwell.*] In the plan which the Committee have been discussing this morning, it is proposed to put a bar two inches wide on the top of the sill of the weir to raise the water, to compensate the mill-owner; would that back the water in flood, when the clough is down on the upper riparian owners?—When the clough is closed, it would to that extent.

2700. Then if the miller is using his fall to the utmost extent he would be liable to damage, would he not?—If the miller was using the raised fall, keeping the water up to the top of the raised weir, he would, of course, be taking so much off his neighbour above.

2701. Then he would be flooding his neighbour if the land was flat?—Yes, he would be flooding his neighbour.

2702. Unless the clough is closed, it would be liable to catch the wreck in flood time, would it not; at least I understood you to say so?—I do not think I said so.

2703. Then if it were not closed, how would it be?—If the clough were not closed, there would be a stronger current through, and less liability of wreck being stopped.

2704. Small wreck perhaps, but how would it be with the larger wreck?—Any wreck would be carried through, because the velocity would be greater.

2705. If the river was running strongly through that, would the fish be able to pass?—It would depend on the construction of the ladder below. You may construct a ladder with such impediments, and of course with such inclination as to regulate the velocity to anything you like.

2706. Take an aperture of two feet with flood water above it, two feet over the sill of the weir, would not the pressure be very large?—In such cases probably a fish ladder would be no use, but that might be also regulated by proper arrangements; you might adopt the principle which I adopted in Loch Vennacher, of making the upper part of the ladder, for a considerable distance, a dead level, and then introducing, as the water rose, stop planks which throw it into the proper inclination. Take this table, which is a dead level, one in 10 would raise it nine inches. You might put first one stop plank, then a second and deeper one, and then a third plank deeper still; and in that way you might arrange the outlet from the

salmon

lmon pass under the circumstances which you ggested.

2707. So as to make it passable?—Just so.

2708. Have you been informed that the salmon ke to follow the side of a stream when they take fall?—I do not know. There is one difficulty hich occurs to me in most weirs, that they are ldom themselves of a sufficiently gentle inclina- on to come within what those who have studied e inclination think is proper, namely, from one six to one in 10, or one in 11, and therefore e discharge of water through a salmon ladder ould be some distance from the foot of the weir. ought to be always so regulated that the en- ance to it should be near the foot of the weir.

2709. Would there be any difficulty in assess- g the value of the water taken from the mill- wner which would be required to fill a fish ass?—No.

2710. Without purchasing the whole of the ill you might purchase the water that you re- uired, might you not?—Yes; but I can men- on many streams in which a fish pass would take e whole of the water of a river, which I think e honourable Member is well acquainted with.

2711. In that case of course the mill must esort to steam power, must it not?—If you re- uire to take water in such seasons, but when the ver is so low as that salmon do not ordinarily ass up the river, it is merely in "spates" that lmon pass up, I believe.

2712. With regard to the gratings, you spoke f them being stopped up by leaves, in autumn, nd requiring cleaning out. If those gratings re at the head-race, half a mile from the mill, nd closed up by leaves, would it not throw water ver the weir that otherwise would not go over? -It might do that; but it depends, of course, n the quantity of water coming down and also n the amount of obstruction.

2713. Then is there not the same difficulty in utting down a grating in the tail race with re- pect to diminishing the space for the water to o through, and so increasing the back water if e water is deep?—As far as the grating itself is oncerned there is the same difficulty exactly, ut not the same liability to choking; but other- ise, it is exactly the same.

2714. The backing of the water on the wheel the same?—Just the same.

2715. Mr. *Assheton.*] At what time of the ear do the leaves come down the river most?— rincipally in the autumn.

2716. What time of the year would it, in your pinion, be desirable to place a grating in the ead-race of mills?—All the year through, I hould say, otherwise you would be constantly hanging the grating; you must have a grating o prevent any extraneous matter coming to the eir.

2717. Then, I understand you to say you must ave a grating for the good of the mill and not or the good of the fish?—You must have a rating.

2718. So that a grating is not a new thing ith regard to mills?—No, it is a common ap- endage to a water-wheel.

2719. I am afraid from your account of the ennacher fish passes, they are not at present ery efficient?—They are said not to be as effi- ent as desired.

2720. Do you know if any fish go up them? -Yes; fish go up them.

2721. Can you tell the Committee if the Loch Katrine fish passes are efficient?—No, salmon ever pass up Loch Katrine, and no salmon ever did; but there is no complaint whatever of the passes there, though they are of the same construction.

2722. You described a self-acting valve just now on a somewhat different system to that which Professor Rankine described last year?—I do not remember Professor Rankine's description last year.

2723. Have you seen your own plan in operation anywhere?—No; not exactly on that plan, though essentially the same principle, but placed vertically instead of horizontally; I have constructed many self-acting weirs or sluices which have been working for the last 25 years.

2724. Do you mean for the purpose of economising the water or for fish passes?—No; merely self-acting sluices for the purpose of discharging the water when it was more than was required.

2725. For the purpose of keeping the water at a given level?—Yes; self-acting waste weirs.

2726. You have not considered the question as to whether they would frighten the salmon?—No.

2727. You have not much personal knowledge of the habits of salmon, perhaps?—I have never kept company with the salmon, but I have had occasion to study the habits of salmon with regard to fish passes.

2728. There is another subject that of course you have studied, whether the bars for the grating should be horizontal or vertical; in your opinion which should it be?—On some accounts they are better horizontal and on others vertical; they would be extremely difficult to clean if they are horizontal; if they are vertical you can get the wreck and the dry leaves up by raking or scraping them vertically; if they were horizontal it would be much more difficult to clean them.

2729. Mr. *Liddell.*] Having formed a different estimate of your observation of the habits of salmon, I want to ask you one or two questions with regard to their habits. I wish to ask you whether from your observation you find that the fish prefer to follow the stronger current, or if you gave them the option, would they rather choose a smaller and an easier stream in ascending for the purpose of spawning?—I cannot give you a very positive answer about that, but my impression is that they would follow the easier stream if there were a current to tempt them.

2730. Nature teaching the fish to reach the spawning ground at the least expenditure of strength?—That is my impression certainly.

2731. Common sense would induce one to suppose that instinct would induce the fish to prefer the easier passage to the rougher passage?—Just so.

2732. Now, supposing that idea of the fish's instinct to be true, should you not say that for the purpose of enabling it readily to ascend the river, a fish pass constructed on the side of the weir is preferable to a fish pass constructed in the centre of a weir, or anywhere, where the current is strong over the weir?—I think that is a question of the strength of the current; you may have a fish pass in the centre of the weir where there is no stronger current than if it were constructed at the side.

2733. Now to come to the relative cost of the construction of these elaborate grooves or ladders,

Mr. J. F. Bateman. 5 April 1870.

and the construction of a simple burn, take from some point above the mill for the purpose of enabling the fish to pass; what, as an engineer, would be your opinion of the difference in cost?—In most cases an independent channel by the side of the weir round the end of the weir, would be the cheapest and the easiest; not always, but in many cases it would be so.

2734. Will you kindly state the cases in which it would be difficult, and consequently more expensive?—Where weirs are thrown across narrow gorges in rivers, which is a very common case, it might be very expensive to excavate from the steep sides of the river the pass you suggest, and in that case the weir would be cheaper.

2735. That depending, I suppose, on the natural formation of the bed of the river and the banks?—Yes, that would depend on the natural formation of the bed of the river and the banks.

2736. I gather from you that you prefer enabling the fish to swim up an obstruction rather than to jump an obstruction?—Yes, I quite came to that conclusion after considering that question maturely, because I had to design works at considerable expense upon that decision.

2737. A fish that jumps often jumps in vain, spends its strength, and becomes deterrred from further efforts, is not that so?—Yes, I have seen fish make many ineffectual efforts.

2738. Whereas when it swims it concentrates its energies upon one swim, and is almost invariably successful?—That I take to be the state of things exactly.

2739. I need hardly ask you whether, if it should be found practicable to construct a side pass or burn, you would get rid of all opposition offered by the miller as to tampering with his masonry work?—We should get rid of all that opposition, but not of other alarms which he would create for himself.

2740. That is to say as to taking this water?—Yes, to taking this water, and interfering with his fall.

2741. But again following up the question with regard to the habits of the fish, you would only require the water when the quantity of water was such as to induce the fish to swim naturally up, when it was in excess of what the miller would require?—Yes, I do not mean to say that his apprehensions would be well grounded, but he would have them.

2742. I suppose he need not be in any alarm if he is not in want of water?—He need not, certainly.

2743. As you narrow the orifice of a gap, do you *pro tanto* increase the velocity of the current?—No, not at all, because the velocity depends on the vertical pressure, and not on the horizontal widths.

2744. Then I am wrong in supposing that the velocity depends on the pressure or weight?—No, it does depend on the pressure, which is equivalent to the weight, but that vertical pressure is not altered by narrowing the opening, though it would be by deepening it.

2745. But supposing the area of a mill pond to be 100 square yards or 200 square yards, would the addition of one-half more weight not materially add to the velocity of the current?—No, not an ounce; a width of a yard behind would exercise just the same pressure as a mile; it is vertical pressure, the velocity due to which follows the laws of falling bodies.

2746. You have seen this self-acting valve in operation, have you not?—Yes.

2747. Does it produce what we should commonly called a whirlpool, a sucking action?—I am not sure that I have seen such a one in operation, as comes up to the description of that one.

2748. Do you think that it would produce a sucking action, something in the nature of a vortex, tending to attract *débris* into its whirlpool?—I presume you are thinking of such an action as would take place if a pipe were put into the bottom of a reservoir, like the discharge-pipe of a washing basin, in which there is always a rotatory motion. In that case it might to some extent, but I do not think to a great extent, and generally speaking not to a mischievous extent.

2749. But it would be liable to the objection of attracting branches and other *débris*, impeding the self-acting machinery?—Probably it would; but the vortex is produced by air being sucked down at the same time as the water is sucked down, and there forming a kind of cone; but in an opening so near the surface, I hardly think there would be a sucking action. Of course, if the pipe descended some distance, it would be exactly as you suggest.

2750. It is suggested to me to ask you this; if the current is continually flowing, would not that in itself prevent the vortex forming, which is a combination of the action of air and water?—Not necessarily, because if the force which produced the vortex was stronger than the current, the one would overpower the other. A strong current would no doubt modify it, but I hardly think that any such vortex would exist in a self-acting valve near the surface of the water.

2751. Has Loch Vennacher many tributaries which are very well adapted for breeding salmon?—Glenfinlas, which is one of the main tributaries, is certainly well adapted for breeding salmon.

2752. Is it a shingly, sharp running current?—It is.

2753. *Chairman.*] I believe that in certain states of the water, in every river, no fish is likely to use a fish pass?—No; at times of drought, when the water is low, the fish congregate at the mouth of the estuaries, and wait for a spate.

2754. At such times, any aperture that might be formed in the dam would be closed, and every drop of water would be available for milling purposes, would it not?—Yes, in times of drought. I tried to ascertain, some years ago, when I had to study the question of salmon on the river Dee, in Scotland, whether the salmon did not pass up the river only at particular seasons; but the information I obtained was, that they passed up in greater numbers at certain seasons, but that they passed up at all seasons.

2755. The state of the water being suitable for their running?—The state of the water being suitable for their running.

2756. When there is very little water in the stream, the fish are never running at all?—As a rule, that is so.

2757. If they run at all, it is quite exceptional to the ordinary rule?—Yes, quite exceptional.

2758. I gather from what you have said, that you consider the ladder system better than the pool system?—Yes, I do.

2759. It has been suggested, that in some cases, the owner of a weir, whatever it may be, whether a fishing mill dam or of any other kind, is

not always the owner of the land adjoining?—hat is very commonly the case.

2760. And that there should be powers conrred on fishery boards, or persons interested in heries, to construct weirs through the land of y person on making full compensation; are ou of that opinion?—Yes; I do not see how e object in view can be attained without comlsory powers of various kinds.

2761. May I ask if you would class among her compulsory powers, that of acquiring mill ms for the purpose of removal, in certain cases, here the value of the mill and the dam, for stance, is less than the value to the fishery of moving them?—Yes.

2762. And where the parties are willing to ake adequate compensation?—Yes; my opinion , that where the public utility is greater than e value of the private interests, private interests ght to give way.

2763. The private interests, of course, being lly compensated?—Yes; of course receiving ll compensation.

2764. You think that compulsory powers should e conferred by Parliament for that purpose?—ertainly.

2765. Mr. *Richards.*] Assuming that compulry powers were granted by Parliament to purase a weir, entirely or partially, how would you commend that the water should be acquired, y some such plan as that adopted under the Lands Clauses Consolidation Act"?—Yes; it ould have to be the subject of valuation by bitration, or by reference to a jury, just as mpensation is paid for anything else, just as mpensation is paid where a waterworks comny are required to buy the whole or only a rtion of a stream; in that case they pay comensation to the mill-owner whose property is jured.

2766. Would you give boards of conservators, any other body that Parliament gave the owers to, an opportunity of paying, partially in ater, and partially in money, by the creation of esh works for the mill?—That is rather a diffilt question to answer, because it must necesrily refer so much to special circumstances.

2767. Having regard to the fact that each case ust be dealt with specially, do you think that would be desirable that some machinery should e adopted whereby an inquiry could be held cally before any final action should be taken r the acquisition of dams or waters?—If it had ference to the question of public utility, I think robably that would be a good plan; but if it ad merely reference to compensation to an inividual I think it would not be necessary; I ink that the case might be properly adjudicated pon, either by agreement between the parties emselves, or, if they could not agree, by arbitraon or a jury, just like any other case of comensation where the parties on both sides produce vidence of the value.

2768. Will you kindly answer the question ith reference to public utility?—I think there ight be a question whether the result in public tility which would follow the conservation of he river might be greater or smaller than the alue of the mill.

2769. Assuming that there is power given to oards of conservators to interfere compulsorily ith water or mill dams a case may be conceived herein the expenditure for the acquisition of that particular dam would be out of proportion to the public benefit?—I can quite believe that many such cases would arise.

Mr. *J. F. Bateman.*

5 April 1870.

2770. Would it not be a salutary provision, that a public inquiry should be taken, and that previous to the matter being finally settled, some such plan as a Provisional Order being obtained would be desirable?—With respect to whether it is a question of public utility, all things being considered, I should say yes; but there are cases no doubt where the value of mills and mill dams would very far exceed the value of the fishery; and there are cases, on the other hand, where the value of the fisheries would far exceed the value of the mills and mill dams.

2771. If I rightly understand you, you think it would be almost necessary, if compulsory powers were given to boards of conservators to acquire water or dams, that a public inquiry should be held, to ascertain whether the acquisition would be of sufficient public utility to throw the cost upon the boards of conservators, or upon any other body that might be chosen?—Yes, I think so, certainly; the question of public utility ought to be first decided; it may be suggested that no parties interested in fisheries would attempt to carry such powers into execution, unless they saw their way to justifying advantages which would accrue by the purchase of the property in the increase of the value of the fisheries.

2772. But having regard to the fact that conservators may be gentlemen whose proclivities are for salmon, rather than for mercantile purposes, do you not think that it should be made compulsory that a public inquiry should be held before those powers are exercised?—Putting it your way, I certainly agree with your proposition; if it is not looked upon as a mercantile question, but merely as a question of pleasure, then public utility ought to stand before the mere gratification of pleasure seekers.

2773. *Chairman.*] But I take it that you look upon the increase of the supply of salmon as a public question?—Certainly; when I read on good authority that the value of the salmon fisheries in Ireland is over 300,000*l.* a year, whereas in England the value is not more than 30,000*l.* a year, I cannot but regard it as a public question.

2774. And when you are told, as the Committee have been informed, that certain rivers might be almost doubled in value if the dams were removed, you would regard it as a public question, would you not?—Yes, if that doubling of the value were greater than the amount of injury or compensation.

2775. But you would not expect to find any boards of conservators wild enough to buy a dam for the purpose of removal if the cost of that purchase would very far exceed any advantage to be derived from it, would you?—I think not. Therefore it may be a question whether it would not be better left to the ordinary principle of people not doing anything against their own advantage. With regard to the question of a public inquiry, I can conceive many cases where a public inquiry would be of great advantage with reference to the question of public utility, but generally, I think, people would work it out satisfactorily if left to their own discrimination.

2776. But if boards of conservators do this for their own pleasure, so far as the riparian owners

Mr. *J. F. Bateman.*

5 April 1870.

in the upper parts of the river are concerned, to increase the supply of salmon, that would of course increase the supply in the estuaries where the fisheries are common, and therefore the public would gain in that way, would they not?—Yes, the public would gain in every way, and I as an individual should gain.

Mr. Samuel Usher Roberts, called in; and Examined.

Mr. *S. U. Roberts.*

2777. *Chairman.*] You are a Civil Engineer, are you not?—Yes, I am.

2778. Have you had very large experience in designing and carrying into execution various works in connection with the improvement of rivers and arterial drainage?—Yes, I have had great experience in those matters for the last 25 years.

2779. And also in connection with navigation and mill power?—Yes.

2780. And that more particularly in the west of Ireland?—Yes.

2781. Have you devoted very considerable attention to the question of the best form and construction of weirs both for navigation and milling purposes?—Yes.

2782. Have you also in connection with that subject considered the most efficient form of fish pass to enable fish to get over such obstructions?—Yes.

2783. The subject of running water flowing over obstructions, and through orifices, is, of course, a branch of hydraulic engineering?—Yes.

2784. Have you read the evidence given before this Committee by Mr. Paterson and Professor Rankine during the last Session of Parliament?—Yes.

2785. Has your attention been specially directed to that portion of their evidence which has reference to the effect of a notch or aperture in the crest of a weir, and the fixing of a bar on the crest of the remaining portion of the weir?—It has.

2786. May this, in every case where there is surplus water flowing over a weir, be so arranged that the water in the pool above the weir will not fall to a lower level than it would without the bar or notch referred to?—Yes, in every case where there is a surplus supply of water, the size of the notch, and the height of the bar on the remaining portion of the weir may be so adjusted that the mill-power will not be reduced.

2787. So that the *statu quo* may be maintained perfectly?—So that the *statu quo* may be maintained perfectly.

2788. You have had a good deal of experience of mill-owners, have you not?—Yes, I have had much experience of them.

2789. I suppose you find that mill-owners, like other classes of Her Majesty's subjects, are very jealous in reference to interference with their property?—Very much so, indeed.

2790. Do you think that the general principle referred to in the evidence of Mr. Paterson and Professor Rankine may be carried out in all cases where there is surplus water without diminishing the mill-power, or injuring or interfering with the weirs in any way?—Yes, certainly without diminution of mill-power, and in almost every case without injury to the weirs.

2791. As a general rule, the surplus water as we know, flows over the crest of the weir for several months in the year in a thin sheet?—Yes.

2792. Would the effect of making an openi such as was referred to by those gentlemen, a placing a bar on the remainder of the crest, simply to concentrate the discharge of th surplus water through the aperture?—Quite s instead of flowing over the crest of the dam in thin sheet, the greater portion of it would pa through the notch.

2793. In many cases, that thin sheet of wat trickling over the weir, is practically of no valu whatever to the salmon passing up the river?— In no case that I know of will it enable salm to pass over a weir.

2794. But in many cases, if concentrated in t way I have referred to, it would be invaluabl would it not?—It would.

2795. I need hardly ask you whether the effe of placing a bar of iron of any size on the crest a weir, would be to raise the level of the wat above it to a corresponding height?—Yes; would have that effect.

2796. And you can compute with the greate nicety, the quantity of water that would flo through an aperture of any given dimensions?— Yes, with sufficient accuracy.

2797. And also the exact height of the fa necessary to give compensation for it?—Yes.

2798. Of course everything depends on th size of the river; but in most cases within you experience, would the proportion of surplu water which was diverted through the opening be sufficient for a fish pass?—In many cases very small portion of the surplus water would b sufficient. In some cases, of course, it woul take all the surplus water.

2799. At certain times of the year when th fish are not running, possibly there is no wate to spare at all?—In many cases that is so.

2800. I think the size of aperture proposed by Mr. Paterson was two feet by 18 inches, was i not?—I believe so. That I consider a very large aperture, and only required upon very large rivers.

2801. On small rivers would a notch of much smaller dimensions be sufficient for all practical purposes?—In many cases it might be reduced to 8 inches wide, and 18 inches deep.

2802. Would it in any case be larger than two feet in width and two feet in depth?—No; I think not. On the Galway river, in the county of Galway, which is a very large river, the aperture is only two feet square. The weir is 600 feet in length, and the river is very large.

2803. What quantity of water can be discharged through an opening two feet in width and two feet in depth, per minute?—An opening two feet square, with an unobstructed passage, would discharge a very considerable quantity; I should say 900 or 1,000 cubic feet per minute.

2804. Can you give the Committee an illustration of the case of a weir 100 feet long with regard to the water that would be required during the summer season?—The best illustration of that is the case of the Galway weir, the

ıe one I have already referred to. The Galway eir is 600 feet in length, and it has almost a ertical face.

2805. What is the height of that weir?—It is xactly five feet. Now over that weir there is for ıe greater portion of the summer season a very onsiderable surplus of water flowing down. hat weir is formed for the purpose of main- ining a supply of water for 28 mills.

2806. What kind of mills are they?—Some them are saw-mills and some of them are rn-mills.

2807. One weir ponds up the water to supply ıose 28 mills?—Yes, that one weir ponds up ıe water for 28 mills. In that weir there is notch two feet square which supplies a fish- ıss, and but a very small portion of the surplus ater of the river is discharged through that tch. All the fish that pass up during the ason, from the 1st of March to the 1st of ctober, must pass through that fish-pass, and ere not a portion of the surplus water dis- arged through it, no fish during those months uld pass up the river.

2808. That fish-pass, I understand you to say, kes but a very small portion indeed of the rplus water?—A very small portion.

2809. If a notch 18 inches wide and two feet ep be made in a river 100 feet wide, what ıantity of surplus water would be discharged rough it per minute?—About 600 cubic feet r minute; it would be about 3,750 gallons; x-and-a-quarter gallons to a cubic foot.

2810. What height would it be necessary to ise the weir to make compensation for that?— bout an inch-and-a-half.

2811. That being done there would be no duction in the level of the mill-pond, would ere?—No; so long as there was a surplus ıantity of water exceeding that quantity there ould be no reduction in the level of the mill- nd.

2812. If openings of that kind were made, d passes in connection with them constructed, ould there be a free passage for eight or nine onths in the year?—In my opinion it would be on all rivers that I know of, and would afford supply for very efficient salmon passes for at ast nine months in every year.

2813. And that without any diminution of the illing power?—Yes.

2814. It could only happen that during three onths out of every twelve months of every year ere could be any deficiency of supply?—Just so.

2815. Does it happen in your experience that ıring those three months of the dry season of e year the fish are very seldom running?—In l rivers with which I am acquainted, the fish not move during that very low state of the ver, and it is not very material whether the lmon pass is working or not at that time.

2816. If that opening were made, and a fish ıss connected with it, it would for all practical ırposes be an open run for the salmon during e whole of the time when they are trying to n for the upper waters?—I think so.

2817. And there would be no injury whatever ne to the milling power?—There would be no jury whatever to the milling power.

2818. In making an opening of that kind, ould the object sought to be attained by you to utilise the water now flowing to waste over any mill-dams?—Quite so.

2819. Have you at all considered in what way that opening, if made, could best be closed during the period of the year when they may require the whole of the water?—Yes; I have given some consideration to that subject, and I think it is very important that, where practicable, it should be closed by a self-acting valve or sluice, but there is no difficulty in having it closed by a hand sluice in charge of some person in connection with the mill.

2820. Have you seen such a self-acting valve in operation?—No, not exactly suited to a salmon passage. In most of our weirs in Ireland there are notches through which the water is discharged sufficient for the supply of the salmon-passes and there is no necessity for a self-acting valve. These are weirs that have been altered or reconstructed in connection with the improvement of river or arterial drainage and navigation works carried out in Ireland.

2821. A model was produced before the Committee, last year, of a self-acting valve; have you had an opportunity of seeing that valve?—Yes, I saw it.

2822. Do you think that that may be applied to the usual purposes of a fish ladder?—I am not prepared to say that it will; my opinion is that it will require some alteration, but I think it quite possible to apply the principle to sluice-valves that would suit the purpose.

2823. You think that the principle may be applied to the purposes for which it is designed?—I think so.

2824. Understanding the subject as you do, thoroughly, you have considered this question, and you think a valve of that description may be constructed that would work satisfactorily?—I do.

2825. At all events you think it is sufficiently valuable to render a trial desirable?—Quite so.

2826. I believe that you have yourself constructed salmon passes in connection with a great number of weirs?—Yes, I have constructed some, and I have been consulted with regard to the designs of passes in a great many weirs.

2827. In the construction of salmon passes, where have you fixed the sill of the notch or inlet?—It is always fixed below the crest of the weir.

2828. Should it be in such a position as would secure for the pass at all times when it is open a steady flow of water sufficient for the fish to run up?—Yes, that is indispensable, that the flow of water should be steady and uniform.

2829. You think that the depth should be from 14 to 18 inches of water in each of the successive pools forming the pass?—In a fish pass the least depth should be from 14 to 15 inches of water.

2830. You think that that would be sufficient for the fish to swim up a pass of that kind?—Yes, for the largest fish.

2831. What size do you recommend the opening should be in this fish pass?—The openings or stops or divisions will depend on the size of the notch; the openings in the divisions separating the pools in the ladder should be considerably smaller than that in the weir, so that the water that comes through the notch would overflow the divisions between the pools in the ladder in addition to passing through the notch in the divisions; that is to say, if the notch in the weir is 18 inches wide, the notch in the divisions between the pools and the ladder ought to be about 10 or 12 inches,

Mr. S. U. Roberts.

5 April 1870.

inches, so that the water would rise to a sufficient height to flow over the entire of the divisions.

2832. By that means you would always have a solid column of water flowing through the pass, would you not?—Yes; by that means the salmon ladder is always loaded with water, to enable the fish to swim with comparative ease.

2833. Flowing through at a moderate velocity?—Yes; flowing through at a moderate velocity, but not so great as to cause any difficulty in fish passing up.

2834. At what gradient can the fish swim up?—They have varied from 1 in 7 to 1 in 10, or 1 in 12.

2835. I suppose you would recommend 1 in 7 as the minimum?—Yes; 1 in 6 will answer in some cases, but 1 in 7 will answer in almost all cases.

2836. That would much depend on the height of the weir, and the pressure above it, would it not?—No; the height of the weir would not influence that; the height of the weir will increase the length of the ladder, but not its gradient.

2837. The stops that you would put in it would make the pressure the same?—It would make the pressure the same.

2838. Were you concerned in the construction of a salmon pass on the River Corrib, in Galway?—Yes; I designed and built it.

2839. That is the one you have already referred to?—Yes.

2840. Have you also constructed passes at Collooney and Ballisodare?—No; but I am very well acquainted with them.

2841. Are they tolerably efficient passes?—Very much so; as much as it is possible to make them, I believe.

2842. You consider them perfectly efficient, I suppose?—The fish pass over those great obstructions, one 16 feet high and the other 19 feet high, with perfect ease.

2843. You told us that the height of the Galway dam was five feet, I believe?—Yes.

2844. What was the length of the ladder?—Forty-five or 46 feet long.

2845. How many pools are there?—There are five pools, each being nearly 10 feet square.

2846. What is the width of the inlet in that case?—The inlet is two feet wide.

2847. And what is the depth of water?—The depth of water flowing through it at the ordinary level is two feet.

2848. But what is the depth of water in the pass itself?—The average depth of water is 14 or 15 inches in the ordinary state of the water.

2849. What is the quantity of water which flows down that salmon ladder at the ordinary summer level?—Between 700 and 800 cubic feet per minute; up that ladder the salmon pass with great ease; in fact, I myself counted in about 20 minutes, 43 or 44 fish passing up, and I have had it watched by an assistant, who has counted 103 salmon passing through it in an hour.

2850. You have satisfied yourself that more than 100 salmon do pass through it in an hour sometimes?—Yes.

2851. At what state of the water has that been?—At the ordinary summer level.

2852. With little fresh, I suppose?—No; that river is not liable to freshes in the summer time, as there are very large lakes in which the water can accumulate.

2853. In what month were those 100 salmon counted?—That was in the month of Ju 1867.

2854. Is there a very large extent of ri above the dam?—Yes.

2855. What is the character of the river a the lakes above the dam?—There are two ve large lakes. Lough Corrib is 44,000 acres extent, and there is a lake above that wh discharges into Lough Corrib which is 22,(acres.

2856. You have nearly 70,000 acres of la above?—Yes, we have nearly 70,000 acres abo and the water-shed or rain-basin which d charges its drainage waters into them conta about 780,000 acres.

2857. I need hardly ask you whether there not also a very considerable extent of spawni ground in the river and its tributaries?—Ve large indeed.

2858. Is there any considerable fishing bel the dam in the estuary?—Yes, it is below t dam all the salmon are taken by the owner of t fishery.

2859. Is that far below the mill-weir?—I captures the greater quantity of fish in the ti way about half-a-mile below the mill-weir.

2860. How long is it since that pass was co structed?—That pass was constructed in t years 1851-52.

2861. Do you know what the value of t fisheries of the river were before the constructi of that pass?—The gross value of the fishe as well as I can recollect, before that alterati was made, was something about 600 *l.* per annu and I think in the year 1866 it had increased 4,230 *l.*, or something approaching that.

2862. It had multiplied sevenfold, had it no —Yes, it had multiplied sevenfold. That w the gross produce. I attribute this increase chief to the facilities which were given to the fish pass up to the spawning-ground on the differe tributaries.

2863. Would it have been possible that th great increase could have taken place witho some such artificial means as a fish-pass arrange for the fish to pass up to the upper parts of th river?—No; my belief is, that if an efficient pa had not been constructed on that weir, the fishe would have been destroyed.

2864. Has the construction of that pass in an way whatever affected the value of the 28 mil that are dependent on that weir?—No; I shoul explain, that the way in which the notch of tw feet square was made in that weir was this; alte rations were made in the river; for its improve ment the old mill weir was removed, and a ne one was built, and arrangements were made b which a certain quantity of water was allocate to the fishery.

2865. But was it productive of any injury t the milling power?—There is always a quantity of surplus water in that river, with the exceptio of the very dry season of a month or six weeks and of course, at those times, the quantity o water available for milling purposes is diminishe by whatever passes through the fish-pass.

2866. But still there is enough left for the milling power, is there not?—No; during those six weeks the mills are all a little short of water in very dry seasons.

2867. You said that this pass was constructed, and the dam re-erected, in connection with the arterial drainage of that district?—Yes.

2868. How

2868. How were the expenses of the works defrayed?—The expenses of the construction of the works were defrayed from three sources; one portion was paid by the proprietors of the lands which were drained by the operations: another portion was granted by the Government for the improvement of the navigation, and the third was paid by the millowners for the improvement of the mill power.

2869. I suppose the various works were carried out under the direction of the Board of Works, in Ireland?—Yes.

2870. Whose representative, I believe, you are in these matters?—I am.

2871. With respect to the pass at Collooney, what is the ascent in that case?—The ascent is about 16 feet.

2872. What river is that upon?—On the River Unshin, in Sligo.

2873. Is that a very considerable river?—Yes, it is a very considerable river.

2874. What is the length of the ladder in that case; it is about 150 feet, is it not?—Yes, it is about 150 feet.

2875. And is it divided into 14 pools, each being about 10 feet square?—Yes.

2876. What is the width of the inlet?—I think the inlet is about 15 inches deep and 10 inches wide.

2877. What is the average depth of water in the pass?—About 14 inches.

2878. And that, from your experience, you think quite sufficient?—Yes; quite sufficient.

2879. I believe that the quantity of water flowing through that Collooney weir, at ordinary summer level, is about 200 cubic feet per minute?—Yes; about 200 cubic feet per minute.

2880. We have heard a good deal about the pass at Ballisodare; the obstruction there consists of a natural rock, does it not?—Yes; it consists of a natural rock, almost vertical.

2881. It is about 19 or 20 feet high, is it not?—It is about 19½ feet.

2882. What it the length of the ladder there?—About 175 feet.

2883. How many pools are there?—It is divided into 15 pools.

2884. Each pool being 10 feet wide and 11 feet long, I believe?—Yes.

2885. What is the width of the notch?—The width of the notch is 10 inches.

2886. And it is two feet deep, is it not?—Yes.

2887. And is it the fact that there are 250 feet of cubic water per minute flowing through that pass?—Yes; there are about 250 feet of cubic water going through it at the ordinary state of the water.

2888. What is the character of the River Unshin at that point?—It flows in a rocky channel; its waters are diverted to supply a mill a short distance above this fall.

2889. How is that pass constructed?—The pass is constructed of solid masonry.

2890. Was the rock cut away?—Yes; (*producing a plan*) here is the natural rock, and a salmon passage is constructed by the side of it; they stop about half way and then turn back again like a staircase, so that the outlet of the pass is close to the foot of the fall.

2891. Therefore that is constructed in the way in which we have just heard Mr. Bateman intends to alter the fish passes in Scotland, is it not?—Exactly.

2892. Probably, if they had had an opportunity of seeing this at Ballisodare, they might have constructed their passes in the same way?—Yes.

2893. I see that the design of the Galway ladder is also given in this pamphlet before the Committee?—Yes.

2894. Does that pretty accurately describe it?—The sketch is a very fair representation of the ladder, but I have not read the description.

2895. And is the sketch that is given here a very accurate sketch of the Collooney fall as well?—Yes; I think it gives a very fair idea of it.

2896. Is the river at Ballisodare of considerable volume?—Yes, it is a considerable river; but I cannot say the exact extent of it.

2897. When was this pass constructed at Ballisodare?—I think it was about 1848 or 1849.

2898. Or later, perhaps, because it is stated in the pamphlet before me that, before the year 1856, there was no salmon in the Ballisodare river?—Perhaps it was as late as that. I know that there were two or three attempts made to construct salmon passages before, which failed.

2899. Am I right in saying that, previous to the construction of that pass, there were no salmon in the Ballisodare river?—No salmon had ever passed over those obstructions.

2900. By whom was the Ballisodare pass constructed?—It was constructed at Mr. Cooper's expense.

2901. Is he the owner of the fishery?—Yes, he is the owner.

2902. Had he obtained a private Act of Parliament?—No, it did not require a private Act of Parliament; he did it under the authority of the Fishery Commissioners, I think.

2903. Then after the construction of that pass, did salmon make their appearance in the Ballisodare river?—Yes; the salmon passed freely to the upper waters.

2904. Is there a large supply of salmon in Ballisodare at this time?—I am not prepared to say what the supply is; but I know that it is very considerable; and the last time I was there, they told me it was increasing very much.

2905. Have you been informed that last season there were captured 9,750 salmon, averaging 5¾ lbs. each?—No, I do not recollect hearing that; but I dare say it is correct.

2906. It is reported that the fish caught there, yield, at 1 *s.* per pound, the sum of 3,000 *l.* a year?—I believe that to be correct.

2907. And that that 3,000 *l.* a year has grown, in fact, out of nothing?—Yes, out of almost nothing.

2908. There was no produce of salmon in the river prior to that pass being constructed, was there?—Very little indeed.

2909. We have heard that instead of the construction of a fish pass over weirs, a diagonal groove or channel may be formed in the face, or apron of the weir, for the purpose of collecting the water flowing to waste over the crest; have you seen that scheme tried?—Yes.

2910. With what result?—It was perfectly useless; it was one of the first plans that we adopted for the construction of salmon passes on the weirs that were altered in our arterial drainage works; but it was found to be, I may say, perfectly useless.

2911. In the construction of your fish passes, I suppose, it is essential that you should prevent

Mr. S. U. Roberts.

5 April 870.

too large a quantity of water flowing through a fish pass?—Yes, it is very important to prevent too large a quantity of water flowing down a fish pass as it would tend to wash the fish out of the pools.

2912. How do you accomplish that?—That can be most readily accomplished by fixing a sluice above the inlet worked by floats.

2913. You mean a flood-guard, I presume?—That is what is called a flood-guard.

2914. What does that flood-guard consist of?—It consists of a sluice or shuttle attached to floats and working vertically on the upper face of the inlet; by that arrangement it rises with the flood and limits the quantity of water discharged into the fish way.

2915. In fact it is self-acting?—Yes.

2916. If you were about to construct a fish ladder over any particular weir I suppose the first point you would consider would be what was the best position to place it in?—Yes, certainly.

2917. Is the most important portion of it the outlet or the mouth of it?—By far the most important point is to place it at that point where the fish are sure to find the outlet or entrance to it.

2918. And is that usually at the point where the natural currents of the river attract the fish?—Yes, that would be dependent on two circumstances; one is where the natural and strongest currents in the ordinary state of the river will tend to direct the fish to; and the other point is the furthest upward point to which the fish can ascend until they meet with the obstruction. The fish will work its way along the apron of the weir until it gets as far upwards as it can, and there it is stopped, unless it meets with some means of getting over the obstruction.

2919. Where any difficulty arises in the construction of a fish-pass over or through a weir, is it practicable in many places to excavate a pass through the bank by the sides of the weir without touching the weir itself?—Yes, it is quite practicable to make a pass at either side of the weir whenever any difficulty arises in the construction of a fish-pass over or through a weir.

2920. That is very frequently done, is it not?—Yes, that is very frequently done.

2921. The great point in making such a pass as that is to have the outlet fixed at the proper position, is it not?—Yes, to have the outlet fixed at the proper position, and then construct the salmon passage from that up in the most feasible manner you can.

2922. Now, generally speaking, is there any difficulty whatever in making an opening such as you have described through a weir?—I may say in my experience I have known of no case where any difficulty has been experienced, or where I can conceive that any difficulty could be experienced in making an opening through the crest of the weir sufficient for the supply of the fish pass.

2923. The very intelligent and experienced witness who preceded you has referred to weirs which are mere heaps of loose stones, do you think such weirs would be dangerous to touch?—I have seen very bad weirs; but interfering with them is altogether a question of expense. When you come to deal with a weir that is not a very substantial structure, it is necessarily much more expensive to deal with it; but I can see no difficulty in making a gap through the crest of a weir, sufficient for the supply of a fish pass, without the least injury to the weir.

2924. I suppose you never saw a weir so ricketty that a competent engineer of experience could not make a fish ladder in it without risk?—No, I never did.

2925. Generally speaking, can such passes be so constructed as to strengthen rather than weaken the weir?—In most cases it can be made so as to strengthen rather than weaken the weir.

2926. I suppose there is no more danger in constructing such a pass than in any other operation ordinarily performed by engineers?—Not in connection with waterworks.

2927. In fact, it is part of the business of an engineer to devise the most safe and prudent way of doing such things?—Yes.

2928. Would not the cases be very exceptional where a fish-way, formed as you describe, would produce any prejudicial effect on the weir?—I think so.

2929. Have you, yourself, constructed or superintended the construction of openings, such as have been described, through very many weirs?—I have, through several weirs.

2930. Have you lately been consulted by the conservators and some of the fishery boards in Yorkshire?—Yes, I have.

2931. Have you prepared fish passes for two weirs that are intended to be constructed on the river Wharfe, near Wetherby?—Yes, one at Wetherby, and one at Tadcaster.

2932. The Committee have had those weirs described by Mr. Phillips, and we were informed that very valuable mills are connected with those weirs?—Yes, there are.

2933. What site have you selected on each of those weirs for the purpose of constructing those passes?—The Wetherby weir is placed diagonally across the river, that is to say, one end is 40 or 50 yards higher up than the other end, and consequently the fish pass up to the upper end of the weir, and it is at that point that I propose the fish pass shall be constructed. The outlet is turned out into a deep pool close to the vertical face of the weir, and the fish pass is extended upwards.

2934. It is extended upwards to some distance beyond the weir, is it not?—It does not touch the weir at all; it is made altogether at the land side of the weir.

2935. I suppose that course may be pursued in a great many cases?—That course may be taken in a great many cases.

2936. What is the ascent at the weir in low summer water?—Eight-and-a-half feet.

2937. How is it proposed to divide that pass?—It was divided, I think, into seven pools.

2938. With a small fall at the inlet, I believe?—Yes, a small fall at the inlet, and the others were equally divided.

2939. By that distribution of fall, whenever there is any increase in the volume of the river, will the effect be to reduce the height of the lower fall, and increase it at the inlet?—Yes.

2940. The others remaining unaltered?—The others remaining unaltered.

2941. What is to be the size of the inlet through which the upper water is to enter?—Two feet wide and 16 inches in depth.

2942. That is, say 16 inches below the crest of the

the weir?—Yes; 16 inches below the crest of the weir.

2943. Is there to be any sluice attached to that opening?—There is to be a hand sluice attached to the opening.

2944. That hand sluice is to be used for shutting off the water when it is below the crest of the weir, is it not?—Yes; it is to be used for shutting off the water, when necessary, to maintain the supply to the mill.

2945. Do you then propose having a flood sluice on the face of the inlet?—Yes; I propose having a flood sluice on the up stream at the face of the inlet, so that when the floods rose to a height that too much water would go through the pass, this sluice would rise and limit the quantity.

2946. That would be worked by two wrought-iron floats, I believe?—Yes, by two wrought-iron floats, in the way I have already described.

2947. In that way will a deep and sufficient channel be excavated from the pool below the weir to the outlet of the fish pass?—Yes; it is proposed to cut the channel into the deep pool immediately below the weir.

2948. In that case the pass will not in any way whatever affect the water-power of the mill, will it?—It is proposed to use that pass only when there is surplus water in the river.

2949. And with regard to the water-power, it makes no difference whether the inlet is cut out of the crest of the weir, or whether it is taken along the bank of the river?—No; it depends altogether on the depth it is cut below the crest of the weir.

2950. Did you make any calculation with respect to the effect to be produced on the level of the water in the mill-pool at Wetherby, above the mill, by the fish pass?—I calculated that the water would reduce the level of the pool above it about half-an-inch at the ordinary summer levels.

2951. That mill belongs to the Leeds Corporation, does it not?—Yes.

2952. Did you meet the engineer of the Leeds Corporation?—No.

2953. I suppose he is satisfied that the pass will not injure the mill-power?—I have heard so; and I understand they are about to carry out that plan.

2954. The River Wharfe you have seen, have you not?—Yes.

2955. Do you consider that a very important salmon river?—Yes; I consider that it is a very important salmon river.

2956. But at present it is almost unproductive, is it not?—I think it must be so, for no fish can get over that weir, except in very high floods.

2957. If those ladders were constructed in the way you propose they shall be, do you think that the salmon fishery of the River Wharfe will become extremely valuable?—Yes, I think so.

2958. In giving that opinion, I suppose you do so judging from your experience on the Corrib, and other rivers in Ireland?—Yes; I do so from my experience of other rivers in Ireland.

2959. Are you satisfied that the form of fish ladders which you have described as existing at Galway and other places are the best working form for salmon passes which you have seen?—In my judgment they are the best.

2960. And experience has proved that they are perfectly successful?—Yes, quite so.

2961. Have you heard of any ladders constructed on this principle being failures?—No; I know of none constructed on this principle that have not been very successful.

2962. That is to say, where regard has been had to the placing of the inlet and the outlet?—Certainly.

2963. Of course the cost of fish ladders must vary with the varying circumstances of rivers?—Very much indeed.

2964. Has your attention been directed to the subject of placing gratings across mill races?—Yes

2965. I need hardly ask you whether a grating placed across a mill-stream is, to a certain extent, an obstruction to the flow of water passing down it?—Yes, to some extent.

2966. That obstruction being in proportion to the width of the bars forming the gratings, and the friction caused by the water flowing between them?—Yes.

2967. But do you consider it would be necessary, if gratings are placed at the head of all mill races, to give the miller the same force of water as he had before, or, in other words, can that obstruction be compensated?—The breadth of the head race should be so increased, at the point where the grating is placed, as to compensate for the diminished supply of water caused by the obstruction.

2968. The grating may in some cases be placed obliquely, care being taken that the bars are so placed as to compensate to a great extent for the obstruction that would otherwise be caused?—Yes; no doubt that may be so.

2969. Suppose that, by laying down a few simple rules, the gratings might be so constructed and placed as not to occasion any diminution of power to the mill?—Yes; so far as the gratings themselves are concerned no doubt that might be done, but where the grating caught wreck or dirt it would be necessary to provide manual labour to clear it.

2970. Might the difficulty, in certain cases of that description, be overcome by deepening the mill-stream at that point?—Deepening the mill-stream will perhaps have a better effect than widening it. So long as you get an increased water-way, it does not matter whether it is widened or deepened.

2971. The wreck is much on the surface, or near the surface, is it not?—Yes.

2972. And, in some cases, may an equal effect be produced by placing gratings obliquely across the mill-race?—Yes.

2973. You have stated that, on the River Corrib, at Galway, there are a considerable number of mills connected with this Galway dam?—Yes.

2974. Did the millers there make objections to the fixing of gratings on their mill-races?—Many of them did.

2975 And in consequence of those objections the subject received very careful consideration, I suppose?—Yes.

2976. Did the question whether the gratings should be vertical or horizontal arise there?—Yes; the question of whether they should be vertical or horizontal was very fully considered.

2977. And what was the result?—The result is that they have adopted vertical bars in every case, chiefly in consequence of their being more easily cleared of wreck and dirt than the horizontal bars.

Mr. *S. U. Roberts.*

5 April 1870.

2978. As we have already heard described by Mr. Bateman?—Just so.

2979. Mr. *Hambro.*] You were talking about diagonal boards across the river to facilitate the ascent of the fish up the weir, and I believe you expressed an opinion against it?—Yes.

2980. You stated, in fact, that laying balks of timber diagonally on the weir, to collect the water together, had been tried, and that you found it had been a failure?—Yes.

2981. Have you heard of any case in England where it has been tried and found successful?—No.

2982. Are you aware of more places than one where it has been tried?—It was tried, to my knowledge, in Ireland in two or three places; but the groove which I spoke of was a groove formed in the solid masonry, varying in breadth from 18 inches to two feet, and collecting the water which flowed over a certain portion of the crest of the weir.

2983. Diagonally across the apron of the weir?—Yes, diagonally across the apron of the weir.

2984. That was a groove built in the weir, I suppose?—Yes.

2985. On the lower side of the groove was there a projection?—Yes, there was a raised lip on the lower side which prevented a great portion of the water from flowing out again in the ordinary state of the river.

2986. What was the height of that lip?—About six inches.

2987. With regard to the Galway fisheries, do you know when the Queen's gap in this weir was closed?—The Queen's gap was in the fish weir; the weir I allude to, as altered, is a mill weir, in which there is no Queen's gap. The fish weir is 300 or 400 yards below the mill weir. They are quite distinct.

2988. Was there a Queen's gap before Mr. Ashworth took the fishery?—There was always a Queen's gap in the fish weir.

2989. I suppose the provisions of the Act of Parliament with regard to the Queen's gap were strictly enforced?—They were.

2990. Is it not the case that Mr. Ashworth spends a very large sum annually on the protection of the fishery?—Yes; he does everything that I can conceive as necessary to make the fishery as productive as possible.

2991. I suppose that you, to a large extent, attribute the value of the fishery to that care and attention and the outlay which has been expended on it?—Certainly.

2992. You think that the fisheries in the river, or in any ordinary salmon river, is not likely to increase in value without some care and attention being bestowed upon them?—No; I think that is one essential point in increasing the production of any fishery, it should be carefully watched during the proper season of the year.

2993. You are of opinion that an expenditure of money on the preservation of salmon rivers will bring back a good return? — Yes, certainly.

2994. And without a sufficient outlay on the rivers we cannot expect such a result?—Certainly not.

2995. Colonel *Amcotts.*] What would be the average cost of making such a notch in the weir as you have spoken of?—The making of the notch on the crest of the weir would be a very small expense indeed; the expense would not exceed a few pounds; but the addition of a salm ladder may be very costly; it would depend the height of the weir and other circumstance

2996. Mr. *Whitwell.*] In your experience the fisheries of Ireland is there anything l short in the legislation for the protection of t fisheries that you would suggest anything abou —I am not perfectly acquainted with the la but from all I have heard I believe they are ve well managed and cared for, and that the law found to be very effective.

2997. Mr. *Assheton.*] Before you construct this fish pass at Ballisodare, I think I understo you to say that there were no salmon that ev went above that point?—None ever went abo that point.

2998. But since then they have gone up freel you say?—Yes, they have.

2998*. Can you inform the Committee wheth the smaller kind of salmonidæ have gone u such as sea trout and bull trout?—Yes, fish every kind have gone up with the same facili as the salmon have gone up, both sea trout a brown trout.

2999. And bull trout?—I do not know.

3000. Was there at one time good brow trout fishing above this weir?—I cannot speak my own knowledge with respect to trout fishing all my knowledge is of having inspected the sa mon ladder on several occasions, in order to se if it was successful as a salmon passage.

3001. You cannot tell me, I suppose, whethe there have been complaints from the commo trout fishers, that their fishery has decline since the salmon went up?—I do not know.

3002. Should you have heard, do you think if there had been such complaints from th common trout fishermen?—I did not hear it o several occasions when I was there during th last four or five years.

3003. Mr. *Liddell.*] I think you told th Committee that the most important point t keep in view in the construction of a salmo ladder or pass was the outlet into the bed of th river below, was that it always should be place where the fish can find it?—Yes, the mos important point to keep in view is the outle being placed so that the fish can readily find it.

3004. Is it not the fact that a very large number of salmon, amounting at times to many hundreds, congregate below the fish ladder which you have been describing to the Committee to-day at Galway?—Yes, several thousands.

3005. How do you account for such vast quantities of salmon collecting at that point if the outlet is well selected, and if the fish have a free passage to get up this ladder?—I cannot account for it, and I never heard of anybody that could; it is the fact that they will lie there for several weeks, and then in a few days they will all disappear and pass up the passage, but I cannot account for it unless it is instinct or indisposition to move owing to the low state of the river.

3006. Do you know of your own knowledge whether that aggregation of fish only takes place when the water is low?—It only takes place when the water is low on the Galway river.

3007. Is it not the fact that many serious complaints are made at present, that persons under the pretence of fishing, fasten lead to their hooks, and grapple or jigger the fish under the pretence of legitimate fishing?—Yes; we call it snatching.

3008. In

3008. In fact a great deal of poaching goes on that spot, does it not?—It used to do, but not ow; the rod fishing is in the hands of gentlemen, and such a practice as that is never ard of.

3009. I should like to ask you, as an engineer am now dealing with ill-constructed weirs, of hich there are many) does the effect of a thin eet of water constantly trickling over the whole nth of such a weir as that have a tendency to slocate the masonry, and to plough small chanels by degrees between the stones?—Yes; no oubt if the water finds its way into the body of e masonry it will exert a very powerful effect dislodging the stones.

3010. In examining old weirs have you found e water oozing out in scores of different ttle fountains all over the weir?—Very frequently.

3011. If you concentrate the straggling water such a weir as that (even an ill-constructed eir) into one passage, that evil would be mainly rrected, I suppose?—It would be in the porion of the weir which you made more staunch nd substantial by any new structure.

3012. But if you repaired fairly and efficiently he apron of the weir, and the water was conentrated you might, at a very moderate cost, atch up the old weir, and make it effectual, ight you not?—Yes; in some cases a very nall sum of money might do it.

3013. The wear and tear upon a gap properly onstructed would have the effect of saving he rest of the structure, would it not?—It ould.

3014. You were asked a question about deepning the channel of the mill race, would not he effect of deepening the channel of the mill ace, be, in many cases, to increase the power of he water on the weir?—No; so long as the evel remains the same, no increased depth of the ill race would increase the power of the water; t would admit the water flowing more freely up o the sluice perhaps, but as long as the level ontinued the same, the power would not be increased.

3015. Was I correct in apprehending your nswer to be, that supposing the notch in the eir to be two feet square, the divisions in he pools must be proportionately smaller?—es.

3016. That is so, is it?—Yes.

3017. What is the proportion, in those salmon adders which you have described, that the divisions in the pools bear to the notch?—I cannot peak positively in regard to that, but that, of ourse, would depend on the incline of the ladder nd the velocity of the water passing through nd over those divisions; I think that in the Galway salmon ladder the notches in the divisions etween the pools are about 13 or 14 inches ide.

3018. Thirteen or fourteen inches square?—Yes; 13 or 14 inches square.

3019. And that is sufficient for the passage of the fish, I suppose?—Yes; that is sufficient for the passage of the fish, because the water not only fills that notch, but rises to a height of four or five inches over it, so that there is through the notch between the divisions a depth of 14 or 15 inches of water.

3020. The notches, of course, at each pool vary alternately?—Yes; they are right and left.

3021. I presume that the fish after passing the notch, rest for a time in the pool before they take the next?—Yes; that is so, generally.

3022. Have you ever seen a considerable number of fish collected on each stair?—In each pool of the ladder; I have seen eight or ten fish lying in the pool at a time.

3023. Did you state that an assistant of yours had counted 103 salmon passing up that fish ladder in Galway, in the month of June?—Yes.

3024. I presume that a very small number would be, strictly speaking, salmon; the great majority would be salmon peel?—Yes; salmon peel, the fish of that period of the year.

3025. But I need hardly ask you if that is a time of the year when the fish are at their very best?—Yes.

3026. Consequently, I presume that no complaints have reached you with regard to the want of supply in the upper waters at that period of the year?—Yes; the proprietors of the upper waters are always complaining and anxious to get more fish up, but I think their complaints are not reasonable.

3027. If they could secure the passage of 100 salmon per hour in the month of June, in the regular way, there would be very little ground of complaint, would there not?—The upper waters have been very well supplied with fish in that district.

3028. Mr. *Whitwell.*] How far from the head of the tidal water is that weir which Mr. Ashworth has constructed?—The fishing weir is 300 or 400 yards from the head of the tidal water, but the mill weir is 500 or 600 yards higher up than that.

3029. Mr. *Liddell.*] Did I understand you to say that one-third of the cost of construction of this salmon-ladder was supplied by the Government?—The improvements in connection with the River Corrib were of a three-fold character; one for the improvement of the navigation, another for the improved drainage of lands, and the third for the improvement of the mills. The Government gave a grant of money towards the improvement of the navigation, which was considered a public work; the proprietors of the land paid for the drainage; and the mill-owner paid for the improvement of their weirs.

3030. I presume that somebody pays the Government some interest for the use of that money?—No, it was a free grant from the Government; it was one of those grants which were given for the improvement of navigation in Ireland at the time.

3031. Do you know on what principle that grant was made gratuitously?—No, I do not know on what principle it was made gratuitously; but the late Sir Robert Peel gave it.

3032. *Chairman.*] Have you anything further which you wish to bring before the attention of the Committee?—I think not.

Mr. Richard Armstrong Gray called in; and Examined.

Mr. *R. A. Gray.*

5 April 1870.

3033. *Chairman.*] You are a Civil Engineer, I believe?—Yes.

3034. Residing near Dublin?—Yes.

3035. You are engaged as county surveyor also, are you not?—I am.

3036. Have you had very considerable experience in connection with water engineering?—I have had a good deal of experience.

3037. Have you executed a good many works on the sea coast, upon the River Shannon and its tributaries?—Yes.

3038. Was that done under the Commissioners of Public Works in Ireland?—Yes.

3039. Also under the Shannon Commission Act?—Yes.

3040. Was that done between the years 1841 and 1846?—Yes.

3041. Have you subsequently been engaged as district engineer under the Arterial Drainage Act?—Yes, I have.

3042. Did you design and conduct all the engineering works on the River Boyne and its tributaries?—Yes.

3043. I believe that that included a good deal of work at mill weirs, mill dams, and works of that description?—It did necessarily.

3044. You were the executive engineer, and you had the management and responsibility of the construction of those works, had you not?—I had.

3045. Have you more recently been employed by the Special Commissioners for the Irish fisheries?—Yes, since the year 1864.

3046. Have you, in that capacity, made surveys and designs and specifications of fish passes for the special commissioners?—Yes.

3047. That is to say with respect to ladders in mill dams, fishing mill dams, and fishing weirs?—Yes.

3048. Do you know the Ballisodare pass?—Not personally, but I know its character.

3049. Do you know the pass at Galway?—I do.

3050. That was executed by the Commissioners of Public Works, was it not?—Yes.

3051. Do you know the Ballincollig pass on the River Lee?—I do.

3052. Was it executed by the conservators?—It was executed at the expense of the conservators by the Commissioners.

3053. Is that a very efficient pass?—Very.

3054. In constructing that pass, was it necessary to cut into the Powder mills weir?—It was.

3055. To what extent was that done?—We cut three or four feet down into the weir.

3056. Has that in any way affected the stability of the weir?—No, on the contrary, it tended to strengthen the weir.

3057. Is there a good pass at the Waterworks weir?—Yes; I have plans of them with me (*producing some plans*).

3058. Is that pass yet completed?—Yes, with the exception of a sluice.

3059. Is it an inlet sluice?—Yes.

3060. What is intended to be the character of the inlet sluice?—I have got a model of it with me; the contrivance was left to my own judgment.

3061. Will you kindly show that model to the Committee?—This is the model.

3062. Is this a model of the pass which you are now constructing at Cork?—Yes.

3063. Will you just describe it to the Committee, if you please?—The casing of the sluice is intended to be of cast iron. The top of the dam extends for 300 feet.

3064. What is the vertical height of the dam?—Seven feet; and the slope of the ladder is one in thirteen.

3065. Is that as it was before?—No, the ladder is new; but we cut into the head of the ladder for the purpose of facilitating the action of the sluice. The peculiarity of the sluice is that it is raised by means of a lever, so that it can be raised and lowered to suit the level of the water; it can be raised very easily when the water is very low.

3066. Do you raise the whole of the ladder?—No, only the moveable portion of the sluice; the casing, as I have already stated, is of cast iron, and is intended to be let into any weir where the masonry is not of a good character.

3067. What are the dimensions of that notch?—The dimensions are two feet by one foot in depth.

3068. In what state is that weir now?—There is no notch in it; it is complete, with the exception of that part.

3069. And that you are now about to construct?—Yes, immediately.

3070. To whom does the dam belong?—To the Waterworks Company and Corporation of Cork.

3071. Was it constructed at their expense?—No, it was constructed at the expense of the conservators; the Commissioners left it unfinished; the Inspectors of Fisheries now require it to be done; it is part of the original contract.

3072. Is there the slightest objection to that on the part of the Waterworks Company or Corporation?—No.

3073. They are not apprehensive, I presume, that it will injure the stability of the dam?—No; we cut the dam through; there is a permanent cut through the dam; this notch is at the head of the ladder, and 90 feet from this there is a permanent cut four feet deep and four feet wide.

3074. Have you any other cases where you have made openings in crests of weirs similar to what you propose there?—Yes, at Ballincollig.

3075. That is an old weir, is it not?—Yes, a very fine old weir.

3076. Is there a fish-pass constructed there?—There is; I have the plans on which both ladders are carried out.

3077. Have you a plan of the Ballincollig weir?—Yes.

3078. Will you allow the Committee to see it?—This is it (*producing a plan*).

3079. This is the powder mills weir that we have heard spoken of, is it not?—Yes.

3080. That pass is on the ladder system?—Yes.

3081. What is the length of that weir?—It is 335 feet in length.

3082. And the height is how much?—The height is seven feet; there was a great deal of opposition here, and it was apprehended that it could not be done without carrying the weir away; ultimately I was allowed to put in a diagonal ladder.

3083. And

3083. And there an opening was cut two feet six inches wide, and only six inches in depth?—Yes; but to make it, it was necessary to cut the weir down four feet.

3084. Has that in the slightest degree injured the weir?—Not the least.

2085. The weir is as strong as it was before, I suppose?—Quite.

3086. Do the fish pass up it very successfully?—Certainly.

3087. With great facility?—Quite freely; the ladder is six feet wide, and the spaces are six feet square.

3088. With stones on alternate sides?—With stones on alternate sides.

3089. Is the mouth of the pass near the foot of the fall?—Quite so; it is at the foot.

3090. I see that this plan is dated 1866?—Yes.

3091. And this plan was approved by Mr. Lane, who was then one of the Commissioners?—Yes.

3092. Was it executed soon afterwards?—Yes.

3093. How long has it been in operation?—About two years.

3094. Prior to that time was the Lee a good salmon river?—It was always a good salmon river.

3095. Then how did the fish get over this obstruction?—With very great difficulty, and in times of flood only.

3096. Has the construction of the ladder had any effect on the value of the fishery?—I presume it has, but I do not know to what extent.

3097. But as an engineering work this has been thoroughly successful?—Quite so.

3098. It has been successful for the purpose for which it was constructed, namely, that of passing the fish readily to the spawning ground?—Yes.

3099. What was the cost of that construction?—£. 84 was the contract price.

3100. What is the length of it?—About 50 feet.

3101. Mr. *Liddell.*] Is this pool which is represented in the drawing a deep pool below the weir?—No; it shoals entirely in dry weather.

3102. *Chairman.*] For what purpose is that dam used?—It is for creating a head of water for working very extensive powder mills.

3103. That is to say, it is for the supply of power?—Yes; being wholly dependant upon the water power.

3104. How many people are employed at that powder mill?—Two thousand, I believe, in every way.

3105. If you had destroyed the dam you would have interfered with valuable property, I suppose?—Probably 25,000 *l.* would not repair the loss if anything happened to the mills.

3106. But that pass has been managed with the most perfect success, has it not?—Yes, with the most perfect success and without any accident whatever.

3107. Were there apprehensions entertained before the work was done that the dam itself was not very secure?—I believe it has been carried away again and again, and the cost of renewing it has been very expensive, and therefore there was very great opposition at first.

3108. Has the result proved that that apprehension was entirely groundless?—Yes, so far as that apprehension goes.

3109. That is to say in that particular?—Quite so.

3110. You did not mean to qualify that answer by saying "As far as it goes"?—No, in no way whatever.

3111. In your opinion, based on your experience, would similar results generally follow where such apprehensions are entertained?—Yes; I only know of one failure, and that has been through the carelessness of the people carrying out the work, they allowed a portion of the work to be carried away; that was at Lismore, near Waterford, where they were making a gap through the weir. That was executed by the gardener of the Duke of Devonshire, and he did not understand the subject.

3112. It was not Sir Joseph Paxton?—No.

3113. I think I understood you to say that you have known many cases where dams have been cut into in a similar way without any damage whatever being occasioned?—Yes, here is a plan of the Cork one (*producing another plan*). That is a similar case exactly.

3114. What was the character of the dam there?—It is a stone dam very much of the character of the other one.

3115. What was the height of it?—The height was about six feet six inches.

3116. That has also been approved of by the Fishery Commissioners in Ireland, I believe?—Yes, and it was executed by contract under their direction.

3117. What is the size of the opening in the dam?—It is four feet wide and four feet deep, but the ladder does not go up to the dam.

3118. Has the strength of that dam been in anyway impaired?—Not the least; they joined a better piece of masonry to it than the dam itself.

3119. In every case care would be required to be taken in the execution of the work?—No doubt.

3120. Is that pass successful?—Yes, very successful.

3121. Have you found that to make a fish-pass effective there must always be sufficient water to fill it from end to end?—There should be.

3122. Does not that render it necessary that the inlet should be cut to the necessary depth below the apex of the dam?—Yes; but the engineer would so scheme the position as to get as much water as possible into it, even below the inlet; in many cases, where we have not been in a position to cut into the top of the dam, we were obliged to get as much water from other sources as possible.

3123. But how do you do it without lowering the crest of the dam?—By merely catching the water that comes over the crest of the dam, we have tried to do it, but it is only a makeshift at best, and it should be done in the other way.

3124. That would secure sufficient water for the fish to pass up?—Yes.

3125. I think you heard the evidence of Mr. Roberts and Mr. Bateman with regard to the depth of water required for the salmon to go through a fish-pass?—Yes.

3126. Do you agree with their evidence?—Yes.

3127. And do you also agree with the evidence which they gave that the foot of the ladder should not project beyond the line of the foot of the weir?—In no case whatever should it project beyond the foot of the weir.

Mr. *R. A. Gray.* 5 April 1870.

3128. Otherwise there would be the danger of the fish not being able to find their way up the staircase, would there not?—Yes; I have seen them try at an ill-constructed ladder and never get up.

3129. Is it not the fact, generally speaking, that where there is the strongest current of water within reasonable limit the fish are to be found?—Generally their instinct leads them there, and I believe they generally follow the course which they descended by.

3130. You are, of course, of opinion that there should be free communication between that and the ladder?—Certainly, that is indispensable.

3131. What gradient is, in your opinion, sufficient for the floor of a good fish-pass?—One in seven is a good gradient, but a more gentle one would be still better; I prefer one in 10, or one in 12.

3132. Where you can get an easier gradient, you prefer it?—Yes.

3133. A sufficient supply of water, a moderate gradient, and a good approach, are the great essentials required in constructing a fish-pass?—Yes.

3134. Have you read the evidence given before this Committee last year by Mr. Paterson and Professor Rankine?—Yes, I looked over that evidence.

3135. Do you concur in the opinions they expressed with regard to the mode of collecting the water that is passing over the dam, and utilising it by diverting it through a fish-pass?—Yes; I think that their calculations were quite correct.

3136. And that being done during the time there is surplus water, would it injure in the least degree the milling power?—In no way whatever.

3137. It is merely collecting that water which trickles over the dam in a thin sheet, and utilising it?—Just so.

3138. Do you also agree with those gentlemen with regard to the quantity of water that is necessary to the supply of a fish ladder, or have they over-estimated it; they speak of two feet by two feet?—That is very ample for any pass, and too much for the generality of passes; two feet by one foot would give you a sufficient head of water to pass up any fish.

3139. Speaking of a weir 100 feet long, would half an inch of water collected along the length of it be more than sufficient to supply a fish-pass?—Yes, if the pass were properly constructed, no matter what the length of the pass was.

3140. During certain portions of the year, in certain streams, the water flowing down is insufficient for the supply of the mill; does that happen usually at the seasons of the year when the fish do not run?—Just so.

3141. And therefore the aperture might be closed without any injury to the fishery?—Quite so; it is no use at all then.

3142. The effect of that would be, of course, to secure to the mill the whole of the supply of water when it was really needed, and the ladder would be practically useless if no water were running through it?—There is no water required for fishery purposes at that time of the year.

3143. When the water begins to flow over the weir, and there is again a surplus, you would have to collect it through this sluice?—Yes; that was one of the objects of my model.

3144. Has your attention been called to the suggestion of having a self-acting sluice?—I have never seen one in operation for fishing purposes.

3145. I suppose they would require a good deal of care and adjustment?—They would require just as much looking after as an ordinary sluice; they are theoretically correct, but very liable to accidents, and to be tampered with.

3146. They would be useless perhaps, just when they were most required?—They could easily be rendered so.

3147. I suppose that a very simple sluice might be constructed at a very small expense?—Yes; such a one as this, the model of which I have shown to the Committee.

3148. What is the cost of that?—About 10 *l.*, with lever arrangement and all.

3149. How does that work?—It raises the top of the sluice.

3150. Might you not connect with that, by means of a chain or iron bar, something that would work absolutely without leaving the mill itself?—Yes; it is intended to be so; it is worked exactly as semaphores are worked, a quarter of a mile distant from where the power is applied. The principle is quite the same.

3151. You know, do you not, that mill-owners are very jealous of their property being interfered with?—They always are jealous of any interference, more or less.

3152. But as a rule have you found that their apprehensions have been groundless?—Yes, I think so. At Ballingcollig, where there is a cut through the weir, there was a sluice put in there, but it was removed, and has never been reset; the miller never thought it worth while to reset it; it was simply a board let into two grooves.

3153. In many cases there is considerable leakage through dams, is there not?—Yes, generally in old weirs.

3154. If that were repaired, the water wasted would be more than enough to work a fish-pass effectually, would it not?—In every weir that I know there is water wasted which would be more than enough to work a fish ladder if it were collected.

3155. Do the Commissioners for the Irish fisheries, generally speaking, act under your advice in constructing fish-passes?—Yes.

3156. You have nothing to do with the legal matters, I suppose?—I have nothing to do with legal matters; I am merely consulted as an engineer.

3157. You do not approve of the pool system, if I rightly understand your evidence?—I very much prefer the ordinary course; I think that the pools are attended with a great deal more expense in construction, and it is not the natural way for the fish to go up.

3158. You prefer their being allowed to swim gradually up?—They never jump when they can swim.

3159. We have heard that when they do not clear the obstructions they tire themselves, and become sulky, and are netted in the pool below?—I have seen numberless instances of fish failing to get over a weir; unless a fish clears a weir at once it never gets over it; I have seen fish at the Ballincollig weir, when there has been only four inches of water, swim over it, but never jumping over it unless he cleared it, and that could not be done unless there was a good depth of water to start from.

3160. Have you, in conducting your works in Ireland

eland, been in the habit of placing gratings the head race of mill weirs?—Sometimes. At ork there are fine gratings at the waterworks.

3161. Has there been much trouble in keeping em clean?—No; there are two sets, and they e shifted, one being taken up, and the other ut down when they are being cleaned.

3162. But you do not find any practical inonvenience from that at Cork?—No, there is no actical inconvenience from that at Cork.

3163. The great mischief, I apprehend, is from e wreck and drift coming down in the autumn? Yes, that entails a great deal of trouble and pense on the people in charge of it.

3164. What is your opinion with regard to rizontal and vertical bars; which do you pre-r?—I think that horizontal bars are better to r out the fish, but the vertical bars are more sily cleaned, which, in my opinion, is the great int; I have here a plan of a grating which as put up at Bandon, in the county of Cork *roducing a plan*). That was put up at the tail ce of a mill near Bandon Foot Bridge, and it longed to a gentleman of the name of Bell.

3165. You put it obliquely across, did you t?—Yes; in order that the water might carry e *debris* out through that opening, which is ree inches; the bars are three inches by half inch; it is half inch flat iron.

3166. Would not a round bar be better?—It would not be strong enough in that case; they are put flat in order to get the edge against the water.

3167. How long has this been constructed; your grating was put up in 1857?—Soon after 1867.

3168. Is it up now?—Yes.

3169. And does it work satisfactorily?—Yes; but the miller complains of the expense of cleaning it.

3170. But it does not back the water up upon his mill wheel I suppose?—No, I believe not; I think that the only drawback is the cleaning.

3171. The cleaning is not quite successful, is it?—No; those vertical bars catch the drift; there are five of those vertical bars here (*explaining the same on the plan*).

3172. Mr. *Whitwell.*] At what times do the salmon run upon the River Lee?—I cannot say exactly; they run in the winter time; but they go up in August and occasionally in June, when there are freshes.

3173. Do they run up in June?—Yes, when there is a fresh in the river.

3174. When is the water lowest in the river?—The lowest water is generally in June, July, and September.

Friday, 8th April 1870.

MEMBERS PRESENT:

Colonel Amcotts.
Mr. Dodds.
Colonel Edwardes.
Mr. Hambro.
Mr. Herbert.
Mr. Knatchbull Hugessen.
Mr. Knight.
Mr. Liddell.
Mr. William Lowther.
Earl Percy.
Mr. Evan Richards.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. John Willis-Bund, called in; and Examined.

Mr. *J. Willis-Bund.*

8 April 1870.

3175. *Chairman.*] You are a Barrister-at-Law, I believe?—I am.

3176. And you are vice-chairman of the Severn Fishery Board, are you not?—I am.

3177. Have you been a member of that board since its formation in the year 1866?—Yes.

3178. And I suppose you have taken a very active part in the management of it?—Yes.

3179. Are you also owner of a salmon fishery on the river Teme?—Yes.

3180. That is a tributary of the Severn, is it not?—Yes.

3181. Joining it about two miles below Worcester?—Yes; the Teme joins the Severn about two miles below Worcester.

3182. Are you likewise a millowner?—Yes.

3183. And the owner of a weir on the river Teme?—I am.

3184. Have you directed your attention to what you consider the defects of the Salmon Fishery Acts of 1861 and 1865?—Yes.

3185. And to the Amendments that you deem necessary in those Acts of Parliament?—Yes.

3186. I presume you are aware that the Committee have determined not to go into the general question of pollution of rivers, as there is a Commission sitting on the subject?—So I was informed.

3187. But under the present law there is some provision, is there not, with regard to pollution of rivers?—There is a provision in the Act of 1861.

3188. The 5th section of the Act of 1861 is what you refer to, I think?—Yes; it provides a penalty.

3189. That is to say, a penalty for mixing poisonous substances in rivers?—It is so.

3190. Is it possible, generally speaking, to obtain a conviction under that section of the Act of Parliament?—No, not generally speaking; it is possible, but we have very seldom obtained convictions.

3191. You find it extremely difficult, do you?—Yes, extremely difficult, for this reason, that the section enacts that "every person who causes or knowingly permits to flow or puts or knowingly permits to be put into any water containing salmon, or into any tributaries thereof, any liquid or solid matter to such an extent as to cause the waters to poison or kill fish," and the magistrates require you to prove that the fish are actually killed.

3192. The honourable Member for South Northumberland reminds me of a case which exemplifies that difficulty which occurred on the River Wear some time ago; are you aware of that case?—I am not aware of it.

3193. What remedy would you suggest for that defect?—I would suggest to insert the words "sicken or deter the passage of fish." The great fault we find is this; suppose that when salmon are running up, a pollution comes in from the town, or from any manufactory; it is not that that kills the fish, but the fish feel the pollution, and either stay below it or drop down back to the sea; they will not pass pollute waters.

3194. And what you suggest would, in your opinion, remedy the defects of the Act of 1861 in that particular?—Yes, it would remedy them to a great extent.

3195. Have you turned your attention to the of the mesh of nets used for salmon fishing?—Yes, a good deal; we have had a great deal of difficulty with regard to that; in the months of April and May fish run up the Severn and its tributaries, called shad and twaite, which vary from three-quarters of a pound to three pounds and they are caught with a net, the mesh of which is five and a-half inches.

3196. You mean in circumference?—Yes, all round; that is a net with which it is illegal to take salmon; eight inches is the size of the mesh of a salmon net. Previous to the Act of 1861 salmon might have been caught with that twait net; the men go out and fish for twait just as they fish for salmon, and the result is that they frequently catch salmon, and although they ought to return them into the water, unless there is a water-bailiff standing by, practically they never do so. We are in this difficult position, that we must either proceed against the men for taking salmon with an illegal net, or else we stop the fishing altogether. There can

n be no objection to salmon being taken with
at mesh of net, because that would only take
mon of a good size, and what we have done is
s: I am quite aware that the practice is illegal,
t we have said, if you will take out a license,
will say nothing further on the subject.
3197. In other words, that you will wink at
eir conduct?—Yes, we are forced to do so.
3198. What remedy do you suggest for that
te of things?—The remedy I would suggest is
at the size of the nets should be regulated by a
e-law between certain limits.
3199. You would have a certain maximum, I
ppose?—Yes, I would have a certain maximum
d a certain minimum. I may also point out
at in consequence of the decision of the Court
Common Pleas with regard to the use of a
mmel net (in the case of Dodd *v.* Armour), the
mber of licenses in the upper part of the river
s considerably fallen off. They say there that
is impossible to fish the river except with the
mmel net; they say they cannot use what we
ll the draft net in those waters, and that they
e forced only to use trammel nets. The result
this, that those waters are now most imperfectly
hed, and great discontent prevails among the
hermen, and the number of pike has increased
ry largely indeed. I should venture to suggest
at there could be no objection to their being
owed to use the trammel net under proper re-
ictions.
3200. And those restrictions you perhaps would
pose by means of a bye-law in some manner?
Yes, certainly.
3201. The 11th section of the Act of 1861,
you are no doubt aware, imposes a penalty on
rsons placing fixed engines on any inland or
lal water?—Yes.
3202. Is that clause, in your opinion, very fre-
iently evaded?—It is.
3203. How is that done?—The Act is con-
rued very strictly, being a penal statute. Sec-
on 11 says, "No fixed engine of any description
all be placed or used for catching salmon."
hat section says nothing with regard to facili-
ting the catching of salmon.
3204. You think that that section, in order to
nder legislation effective, should be amended
introducing the words "or for facilitating the
tching of salmon"?—Certainly.
3205. Do you think that that would remedy
e defects which you experience in the working
that section of the Act of 1861?—Yes, I
ink it would do so. An amendment was pro-
sed in the Bill introduced last Session on that
rticular point.
3206. Do you approve of the amendment pro-
sed in the Bill of last Session on that particular
int?—Certainly.
3207. Now with regard to fishing mill-dams,
e provision at present is that unless such fish
ss has constantly running through it such a
w of water as will enable the salmon to pass
and down, and so on; do you think that pro-
sion a desirable one, or should it in your opinion
omitted?—I would omit or qualify it to a
eat extent for this reason: frequently the
iller will not object to a fish pass being attached,
it was not for his position with regard to his
m. He will say, "There must at all times be
ater running through it if I am not to give up
y fishery, and consequently in low water, in the
mmer, I shall suffer great loss of water." All
can say is that, in such times as those, the sal-

mon in the upper waters rarely move; it is only when there is a little muddy water coming down that the salmon move, and I think, therefore, that that puts almost a needless restriction on the matter.

3208. The provision as it stands is, in your opinion, injurious to the millowners without being of any advantage to the fishery?—It is of very small advantage to the fishery; I would propose to alter it thus: that a fishing mill-dam should not be used for the purpose of fishing except there was a sufficient supply of water flowing from the pass to enable salmon to pass up and down it.

3209. Do you approve of the present prohibition with respect to fishing near weirs, in its present form, or should it, in your opinion, be altered?—I think that it should be altered, but I cannot go so far as some of the suggestions that have been made before this Committee, because, in many cases, if you were absolutely to prohibit fishing, it would almost amount to a confiscation of the whole fishery.

3210. The present limit is 50 yards, is it not?—Yes; you cannot prescribe any arbitrary limit; that is a matter, in my opinion, for bye-laws, and therefore I should propose that in each case boards of conservators should fix the limit.

3211. You think that the circumstances of weirs differ so much that any hard-and-fast line must operate unjustly in certain cases?—I do; I have in my mind a mill where 50 yards would only take half the pool at the bottom of the weir, so that you could net one half and not the other half.

3212. And are there cases where 200 yards would be too little?—Quite so.

3213. As I understand you, you propose to give the power to regulate that matter by bye-laws?—Yes.

3214. Do you not think that there should be in that case, as in the case of nets, a maximum and minimum?—Yes, I think so.

3215. Have you at all thought what the maximum and minimum should be?—I would not have a minimum of less than 50 yards.

3216. And a maximum of how much?—That would depend so much on the distance. The maximum would be, of course, the pool at the bottom of the weir to the first ford.

3217. I am now asking you, with a view to recommendations for legislation; if we are to have a clause containing a minimum of 50 yards and a maximum distance, it would be necessary that that maximum should be defined, would it not?—I think it is almost impossible to define your maximum.

3218. Are the Committee to understand that you would absolutely prohibit fishing within a distance of 50 yards, and within such greater distance as might be fixed by a bye-law, without prescribing the maximum by Act of Parliament?—Yes, I would absolutely prohibit fishing within 50 yards, except by rod and line.

3219. Would you permit fishing with rod and line near a dam, or would you prohibit it to a certain extent?—I would permit a man to fish near a dam with rod and line if he chose.

3220. That privilege is abused very often, is it not?—Yes, that privilege is very often abused by what is called snatching; but I think that the person's tackle is more in danger than the fish close to a dam.

3221. Now, with regard to the provisions as to

Mr. *J. Willis-Bund.*

8 April 1870.

gratings; do you think it desirable that there should be gratings fixed to the tail race of mills as well as the head race?—If it is practicable to fix them to the tail race, I think it would be most desirable; but there is great practical difficulty in carrying that out.

3222. What is that great practical difficulty?—The difficulty is this, that when you want the gratings most, in the autumn months of the year, when the salmon are running up and the leaves are coming down, they become almost a solid mass, through which the tail water will not go. The result is that the water is dammed back on the mill-wheel, and it requires so much extra power to force the mill-wheel through the additional water. I speak from my own experience, because I have seen it at my own mills. I put down a grating to try the effect of it; I had a grating with bars about an inch apart, which got quite covered up with leaves, and the result was that it dammed the water back on the wheel and caused a serious obstruction, and a little fresh coming down blew the whole of the grating out, the weight of water was so great against it. I have heard a good deal about revolving gratings, but I have never seen them. The difficulty is that the gratings dam the water back on the weir; if that could be got over they would be most desirable.

3223. May not that difficulty be very considerably modified by widening that part of the tail race where the grating is fixed, or by placing it obliquely across the tail race?—I do not think placing a grating obliquely across the tail race would do anything. This grating which I spoke of at my own mill, was placed obliquely.

3224. I have been told that in some cases the grating has been placed in the form of a triangle, with the apex towards the stream, and that that has been successful; have you seen that experiment tried?—No.

3225. From your experience, do you think if it were tried, that it would diminish the difficulty?—Not to any very great extent, I think.

3226. At what distance was this grating placed from the mill wheel?—About 30 yards.

3227. That being the point at which the tail race joined the main stream again, I suppose?—No; it was from the peculiar conformation of the place; there were three wheels coming down into a piece of water, and the leat ran very near the grating, which was put across a narrow place.

3228. If that grating had been placed across a wider part and lower down the tail race, would the same effect have been produced?—I am afraid so; if the grating had been placed lower down the tail race, we should have had additional leaves coming down upon three additional wheels.

3229. Was the grating placed in the middle of the leat, some distance from the confluence of the leat with the main stream?—In order to make that clear I must show the Committee a sketch of it. (*The Witness made a sketch, and explained it to the Committee.*)

3230. Are there three mills on one mill race?—Yes, there are three mills on one mill race.

3231. Where is the river?—The river comes in below.

3232. But why not have placed your grating at the foot of the tail race?—It would be impossible to have done so, the river is a navigable river there, and we should be indicted for a nuisance in putting a grating across a navig river.

3233. But you might have put it at the p where the mill-stream joins the river, where not navigable, might you not?—No, it is n gable up to that point (*referring to the sketc* and there is also a bridge, and if we had pla it under the arch of the bridge we should h had a difficulty with regard to the boats com up.

3234. Placing it there has the effect of p tecting one of the mills, has it?—It protects th of the mill-wheels; we have got three other m wheels also.

3235. From the description you have giv that appears to be a very exceptional kind mill race?—I know several others where it worked in the same way; there is a great feeli among the millers against us on that very grou that just when the floods drop low enough prevent their working, and another inch of wa would enable them to work again, the wa being dammed back prevents their worki still.

3236. Now, with regard to the Act of 186 is there a defect in its definition of unclean a unseasonable fish?—There is no definition.

3237. Do you think it desirable that the should be a definition in any future Act of Pa liament with respect to unclean and unseasonab fish?—Yes, it would be most desirable.

3238. Do you find from your experience th the young of salmon are very frequently tak for trout?—They are very frequently anglers; a persons who find them, say, "Oh, this is a trout We believe they know it is not, but we have evidence, and according to the decision of t Court of Queen's Bench unless we can pro that they knew it was a salmon, it is of no use.

3239. Can that state of things be remedie and, if so, by what means?—I think it could remedied by providing that no trout under a ce tain size should be taken.

3240. The Act of 1861 contains some provisio with regard to taking salmon, and salmon ova, f artificial propagation, does it not?—Yes.

3241. Does that require some restrictio placed upon it?—I think it does for this reaso that a good deal of salmon ova is taken for t purposes of sale; you sell ova for persons hatch it, and there is a great deal of disturban to the river upon taking the ova, and I thin generally it is a bad thing for any netting to tak place during the close time. As the fisherme say that they are taking ova for propagation pu poses, if we find any person in possession of o he says, "I got it from So-and-so, to whom yo gave leave to take it," and that opens a door f fraud.

3242. That is an evasion of the law?—Ju so.

3243. Now, with regard to the close time, d you think it desirable that there should be on uniform annual close time throughout the king dom?—I do, to this extent, that there should b all over England but one close time, with suc additional close time as is necessary for eac river.

3244. That is to say, you think in certai cases there should be power to vary the clos time?—I would have one annual close time, sa for three months in the year, over the whole c England, and each river should be allowed t add to that what they thought fit.

3245. Tha

3245. That is to say, they should be allowed add to it at one end by taking away from the er?—No; add to it at either end.

3246. Would you increase the number of days some cases?—Yes; I would increase the num- of days on certain rivers.

3247. In other words, you would lengthen the se time?—Yes; I would lengthen the close e.

3248. To whom would you propose to give power to make that variation; would you e it to fishery boards?—I would give power fishery boards to make variations by bye- s, subject to confirmation by the central hority, whoever that central authority might

3249. Do you think that the possession of fish ring the close time should be made an offence? Yes; I do. I think that we ought to have ne stronger regulations than what we have at sent, because at the present time fish are fre- ently taken and sold which are said to be eign fish, but which come, in fact, from Eng- n or Irish rivers.

3250. But is not the onus of proof on the per- n in possession of the fish?—The onus of proof on the person in possession it is true, but fre- ently the proof is rather lax. At least I can that I have found one or two cases where it s been so.

3251. You are now expressing an opinion to the mmittee based on your own experience?—Yes. course, if the change proposed was carried t, you would have to allow the sale of fish ring the close time, because if there was an ditional close time in certain rivers, and none other rivers, then the river where there was additional close time, ought to be allowed to l their fish.

3252. I believe you consider that the provi- ns contained in the 20th section of the Act of 61, with regard to fixed engines, operate rshly on the owners in certain cases?—Yes; think in this way that the owners of fixed gines in tidal waters cannot get out to the gines in case the tide runs about 12 o'clock, or e time they fix for it, and they are, therefore, able to fence the engines at that time, and, cordingly, they have to fence them previous to e tide running, and, therefore a longer close ne is imposed upon them than upon the net and her fishermen who can fish up to 12 o'clock. gain, you will see the bearing of the 21st sec- n of the Act of 1861 (I am speaking of putts d putchers fisheries).

3253. You have a considerable number of ose putts and putchers on the Severn, have u not?—Yes, we have a very large number of em on the Severn; in fact, we have some ousands of putchers. With regard to those tts and putchers, if they fix an engine of such vice as the Home Office approves, they need t take the putchers down. Suppose they fix a vice, and a strong tide is running, the device ing approved by the Home Office, that becomes ll of sea weed and wreck which does serious rm to the putchers, just as in the case of a mill ating.

3254. What is a putcher?—It is like a very rge extinguisher. Imagine rows of very large tchers, some with mouths up the stream and me with mouths down the stream; they are aced two or three tiers high.

3255. Somewhat like eel baskets?—Yes, a putt is.

3256. But fixed engines?—Yes, it is very like a large eel basket; the shrimps go to the very end, the salmon are caught in the middle, and the top end is only just to turn the fish into it.

3257. I see that under the Act of 1865, 50 is the number covered by one fixed sum for a license?—Yes; it will give you an idea of the number if I tell you how many we have. We have 6,861 putchers certified by the Special Commissioners to be legal, and in addition to those there are 400 putchers in which appeals have been decided in favour of them, and 780 putchers belonging to the Crown, whose legality has not been inquired into.

3258. And which cannot be inquired into, I suppose?—They cannot be inquired into. We have 341 putts certified as legal, and two putts belonging to the Crown.

3259. Will you kindly state to the Committee why it is that those fixed engines are now remaining in the Severn?—Because, with the exception of those belonging to the Crown, they have been certified to be legal by the Special Commissioners.

3260. That is to say, as having been legally in use before the passing of the Act of 1861?—Yes.

3261. Those have been there from time immemorial, I suppose?—Yes, from time immemorial. I have had a good deal to do with inquiries before the Special Commissioners; Lord FitzHardinge proved his title to those fixed putts and putchers; they were mentioned in an old document in the time of Charles II.; and I think, in some cases earlier, putts are expressly mentioned and reserved in the Act of 18 George III., relating to the Severn.

3262. Do you think it desirable that there should be power given to the Special Commissioners to inquire into the Crown's title as to those putts and putchers, in the same manner as they have the power to inquire into the title of other persons?—Most certainly. I know that the fishermen in the neighbourhood regard it as a great hardship that all their titles should be investigated; and they say, whether rightly or wrongly I do not know, "The putts and putchers on the Crown fishery were put up far later, and those are allowed to be fixed while ours are taken down."

3263. You think that the powers of the Special Commissioners under the Act of 1865 should be enlarged in that particular?—Yes; we have some cases where those engines are set avowedly for the purpose of catching shrimps and flat fish, and practically they do catch salmon; in those cases we find a good deal of hardship; a man does not pay any license; he puts a putt down for shrimps, he says, and he catches salmon and keeps it, while the man who says he uses his putts for salmon pays a license for it in almost an identical position. The legality of the salmon putt is inquired into, but there is no power to inquire into the shrimp putt, as it is not used for salmon.

3264. In that particular also you think that the power of the Special Commissioners should be enlarged I presume?—Certainly.

3265. With regard to the mode in which the Special Commissioners have exercised their power, have they declared a considerable number of those instruments

Mr. *J. Willis-Bund.*

8 April 1870.

instruments illegal on the Severn?—A very large number.

3266. Can you give the Committee the number that were found illegal?—No.

3267. Did it bear any proportion to the number that were declared legal?—I think the larger number were declared legal.

3268. But were the numbers about equal?—No, I think not.

3269. Could you supply the exact figures?—Yes.

3270. Will you kindly do it in the shape of a small paper that can be appended to your evidence?—I will do so.

3271. In a considerable number of cases where those instruments were declared illegal, was the decision of the Commissioners acquiesced in by the claimants?—In all I think, but two.

3272. In two cases there were appeals, were there not?—Yes, one was the case of Holford and George; it is reported in the third volume of Queen's Bench Law Reports, and it was a case of stop nets and putchers.

3273. Mr. George being the clerk of your board?—Yes, he was nominally the respondent.

3274. What was the result of that appeal?—The decision of the Commissioners was affirmed.

3275. What was the other case?—The other case was Waite and George. That was argued before the Court of Queen's Bench, and sent back to the Commissioners for further evidence on one or two points, and on taking further evidence, the Commissioners reversed their own previous decision, and declared that the instruments claimed were legal.

3276. As a lawyer, and having attended all these inquiries, will you favour the Committee with your opinion with regard to the tribunal that is constituted by the Act of 1865, for investigating the legality of instruments of this kind; how has it worked, in your opinion?—I think it has worked very satisfactorily with regard to those fixed engines in the estuary; in most of the cases they were questions of fact, either to show that the engines were in use in 1861, or in one of the four previous years, and if they established that, then it was that the Commissioners laid down a rule with respect to what they considered immemorial usage, and they decided where the evidence carried it back far enough, to let it fall within that rule.

3277. In your opinion, could those questions have been tried in any other manner so inexpensively to the parties concerned as by that pursued under the Act of 1865?—Certainly not. The Commissioners were not, in the first place, so strict as to put a person to the proof of title as a judge at Nisi Prius, perhaps would; they were not so strict in admitting evidence; I am alluding to the case of Lord Fitz-Hardinge; he had to prove that certain fisheries which he claimed existed before Magna Charta; he proved a grant from the Crown, I think of Will. 2, and instead of producing the originals and proving them, the Commissioners admitted as evidence, copies which had been published by the House of Lords in the last Berkeley Peerage case, which would not be admissible at Nisi Prius.

3278. This inexpensive evidence was admitted, which had it been given in an ordinary way would have been most expensive?—Just so; I can state that in a case of my own, which was inquired into and allowed by the Special Commissioners, I do not think the whole cost of the inquiry came to more than 10 *l.*; it was ra more expensive in my case for this reason took my witnesses from Worcester down Gloucester where the court was sitting.

3279. I suppose there were other cases be inquired into at the same time?—Yes.

3280. Otherwise, the most convenient p for you was Worcester?—Yes.

3281. In that case your expenses would h been very much less?—Yes, very much less.

3282. If the same question had been rai litigiously, and it had become necessary to h it disposed of at the assizes, what would have b about the cost in your own case?—I could have given a leading counsel less than guineas.

3283. The expense would have been at le ten-fold, would it not?—Quite. It was a p ticularly difficult case from the large mass documentary evidence to which so many obj tions might have been taken.

3284. If you had chosen to take down a le ing counsel and one or two juniors to Gloucest and kept them there for a few days, it wo have cost you very much more?—Of course.

3285. Now, with regard to fish passes a weirs, either those that legally existed bef 1861, or those that have existed since. Ha boards of conservators power to attach fish pas if the owners refuse to do it, or if they let it done in cases where it is proved that the w obstructs the salmon?—I do not think that board of conservators has any power to atta fish passes. The 23rd section of the Act of 18 provides that proprietors may attach fish passe there were no boards of conservators at th time.

3286. Do you think it desirable that that pow to attach fish passes should be extended?—Ce tainly.

3287. Do you think there should be limit wi respect to the liability of the fishery proprieto as to the construction of passes and also as to t period during which that should continue?—Y there is a limit by the Act of 1865 to two yea but I would alter that, I think.

3288. To what period would you alter it?—think one year would be quite sufficient.

3289. Do you think that the provisions of t Act of 1861, with regard to navigable rivers, a objectionable?—They are objectionable in th way, that by the 25th section it is provided th "This section shall not authorize anything to done which may injuriously affect any navigab river, canal, or inland navigation." If any pr vision with regard to fish passes is proposed t owners of the navigation at once say, "You a taking our water and injuriously affecting o navigation." And therefore we are unable to anything with navigation weirs. But if it cou be provided that not above a certain quantity water should be taken, that difficulty would got over.

3290. With regard to that subject, the honou able Member for South Northumberland sugges that I should ask you now what action has bee taken under the Severn Navigation Act of la year with regard to new weirs near Gloucester?—They are beginning to build them.

3291. Have the plans been sanctioned by you fishery board?—No.

3292. Or by the Home Office?—I believe no I believe that the matter is in this state, that soon as ever the Severn Navigation Commi sioner

oners have done more than putting in the oundation, their engineer is to forward the plan o the Home Office for approval; that as soon s that plan is adopted, the Navigation Com-issioners will put in such a pass as the Home ffice will approve of.

3293. That, I apprehend, may be done without ny sanction from your own board?—We have othing to do with it; we are quite power-ss.

3294. Do you think that it should be so?—o, I think we should have a voice in the atter.

3295. Mr. *Liddell.*] Who is to be the judge f the efficiency of the pass when made under at private Bill of last Session?—I suppose the spectors. There is a power in the Bill that he provisions of the Act of 1865 shall apply, hich authorise boards of conservators, at their wn cost, with the sanction of the Home Office, alter a fish pass if it is inefficient.

3296. *Chairman.*] Do you think that the clause ith regard to the supply of water to fish passes equires amending?—Yes, for this reason; as it ow stands, it applies only to fish passes attached any dam, in pursuance of this Act of Parlia-ent, and that is almost an infinitesimal quantity the fish passes.

3297. The 34th section of the Act of 1861 ives power to justices of the peace to grant a arrant to enter suspected places; should that, your opinion, be extended to boats and ves-ls of that description?—Certainly there is no ower to search boats going up the river, and ere is often reason to suspect that salmon are legally taken and concealed about them.

3298. While you may search a dwelling-ouse, or any place of that description, you can-ot search a boat in which, perhaps, the fish are reted at the time?—Yes.

3299. Now with regard to the Act of 1865, at Act was principally directed to the forma-on of boards of conservators and the regulation fixed engines?—Yes; but let me add here a w observations with regard to the 24th section the Act of 1861. We tried to attach a fish ss to a dam in pursuance to that Act of Parlia-ent, and the great difficulty we met with showed at that clause was almost ineffectual; that dam as at a place called Bransford, two miles from orcester. That clause provides that "The ome Office shall not give their consent to the tachment by a proprietor of a fish pass to any m, in pursuance of the last preceding section, less such proprietor proves to the satisfaction the Home Office that he has served notice on e owner of such dam." The first difficulty we et with was this; who was the owner? The dam rmed part of a settled estate, and whether otice should be served on the trustee or tenant r life, was the question; ultimately the matter as arranged by a fish pass being allowed to be tached, but the legal difficulties in carrying out e 23rd and 24th clauses were enormous; at ery turn some point arises so as really to make practically impossible for any proprietor of a hery to go to the expense of litigation on the bject.

3300. If he were fought at every point by the wner of the dam it would be practically impos-ble to put it into operation?—Yes.

3301. What amendment would you suggest ith regard to that matter?—It is very hard to ggest any amendment, I think.

3302. You merely say that that is a defect that requires to be remedied?—Yes; with regard to the 26th section, as proposed to be amended by the Bill of last Session, I may say that I think if it had been carried out, that defect would to a great extent have been remedied.

3303. You approve of the amendment proposed in the Bill of last Session with regard to that clause?—Yes, generally; but there are one or two words in it I do not approve of.

3304. You approve of the principle and, in the main, of the details?—Yes; I might say, with regard to the repeal of Acts in the schedule to the Act of 1861, a great deal has been said about re-enacting the provisions of old Acts of Parliament, but if they are carefully examined you would find that all the important general provisions of the old Acts of Parliament have been retained in the Act of 1861. That the old provisions with regard to weirs only applied to navigable rivers; and as weirs on navigable rivers are erected under special Acts of Parliament, the provision would not apply, and there would be no good in re-enacting the provisions of the old statutes.

3305. You are aware that the decision is not generally acquiesced in with regard to whether the old Acts of Parliament apply to navigable or non-navigable rivers?—Persons who are not lawyers dispute it.

3306. Lawyers, you think, agree pretty well about that?—Yes, I think so.

3307. With regard to the appointment of boards of conservators, we have been told that no complaints have been made on the Severn with respect to the mode in which the fishery boards are constituted; is that so?—That is not so.

3308. You have had complaints, have you?—Yes, we have had frequent complaints.

3309. Do you think the present mode of constituting boards of conservators might be improved?—Yes.

3310. In what respect would you propose that a change should be effected?—I would endeavour, as far as possible, to make it a representative board.

3311. An elective board?—Yes, an elective board; the chief complaints, of course, are from the lower proprietors, who pay the larger part of the license duty, and who say they have not a sufficient number of representatives on the board.

3312. A great many of them are men who fish in public waters, are they not?—Nearly the whole of our tidal waters are private fisheries; that is the peculiarity of the Severn.

3313. Does that apply all down the estuary?—Yes. All those putchers that I have referred to, or, at least, the majority of them, are private fisheries; there are public rights, but they are the exception.

3314. Have you on the Severn persons who pay license duties, and pay those duties with regard to property for which they pay rent also to the proprietors?—Yes.

3315. Generally speaking, they are in the hands of tenants, and not in the hands of proprietors, are they not?—Generally speaking, they are in the hands of tenants; a good many of them are copyhold of certain manors, or copyhold for life; some are let with the farms, and then sub-let. I am going to show you, from the annual report of our board of conservators, the proportion that

Mr. *J. Willis-Bund.*

8 April 1870.

the county of Gloucester have on the board. I will quote from the annual report of the board for last year. Our income was 629*l.* 10*s.*; out of that 491*l.* 10*s.* was obtained from the tidal fisheries. There are only 16 elective members for the county of Gloucester and six for the city of Gloucester, who would represent that amount of license duty out of a board consisting of 143 members.

3316. How are the others elected?—There are 16 for the county of Worcester, six for the city of Worcester, four for the county of Stafford, 16 for the county of Salop, 12 for the county of Montgomery, four for the county of Hereford, two for the county of Radnor, and two for the county of Denbigh, and then there are *ex officio* members.

3317. Magistrates who are landowners, and who have 100*l.* per annum in land abutting on the river?—Yes.

3318. Do I understand that you object to the small number of representatives for the city and county of Gloucester, or to the principle upon which the board is constituted?—I think to the number, because I do not think they have at all taken into consideration the principle.

3319. I see that your report gives the names of all the members of your board?—Yes; I think the objection is more to the number than anything else, because they have not discussed the principle at all.

3320. Joint committees were formed under the Act of 1865, to determine who should represent and who should form the first board?—Yes, exactly. At a meeting of the joint committee, there was a discussion between the members for the county of Gloucester and the members for the other counties; the members for Gloucester saying that they were entitled to a greater share in the representation than the other counties, as they provided a greater part of the funds, but they were outvoted.

3321. Then probably the joint fishery board, under the Act of 1865, having accomplished its purpose, was dissolved under that Act?—Yes.

3322. Would it meet your objection, if powers were given to revise from time to time the number of representatives sent by each county where a river flows through different counties?—I am afraid if there was a power of revision, the same result would be arrived at.

3323. But might not a provision be made that any county dissatisfied with its share of representation should have the subject again inquired into, and that there should be an appeal to some central authority in case of dispute?—I think that it would be advisable.

3324. You are aware that the Act of 1865 gives power to water bailiffs with regard to arresting offenders, are you not?—Yes.

3325. Do you think that water bailiffs should have the same power in that particular as is given in the Larceny Act of 1861?—I do, because under the Larceny Act of 1861 any private person finding a man fishing has the power to arrest him under that Act. There is an exemption only with regard to angling, and I think if you trust to the landowner generally, you can trust to an authorised officer.

3326. You think that the law should be extended in that particular to that extent?—Yes.

3327. In your opinion, should any penalty be imposed if they refused to allow an examination of nets or boats?—I think so.

3328. I dare say you have experienced on t Severn, as a board of conservators, especial di culty with regard to licenses?—Yes, we have e perienced great difficulty on that point.

3329. Do you think the present system granting licenses objectionable, with regard nets and the transfer of licenses?—Yes.

3330. You think that the licenses should made personal, I suppose?—Yes, they should made personal thus far, in a case where a net worked by a single person; but it would be ve hard in a case where a man takes out a licen for a net and he is forced to use an assistant work his net, if he dismissed his servant, to obliged to take out a fresh license. I speak the case of draught nets especially; there v could hardly make the license personal, but as t the Act of Parliament the license for rod a line is made personal, then the same perso licensed for any net worked by one person shou be made personal also.

3331. Take a boat fished by three men owne by a person who does not himself fish at al would you let that person obtain a license for th use of a particular net which would probabl enable him to have three or four relays of me at work every day?—Yes; I think so.

3332. And with no restriction?—I would plac restrictions on the mode of using nets, and sa you shall not net more than a certain number o times, or except in certain places.

3333. Suppose three men who are owners of boat and net, and take out a license to use tha net, another man has two boats and employs si men, would you enable the owner of those tw boats who employs six men to fish under on license, the other persons being forced to tak out two?—No; I think that each net should b licensed.

3334. Then if you had three men in one boa fishing during one tide, and three men in anothe boat fishing during the next tide, the whole o the 24 hours would be occupied by one net?— If a net was used by two sets of men, then they should pay two sets of licenses.

3335. How would you do that?—In the firs place you must have some grounds for defining how the net is to be used.

3336. I understand you to suggest that there should be a differential scale of licenses; will yo be kind enough to explain to the Committee how that is to be done?—We have it in operation a present. I opposed the adoption of it very much at first, saying that we had no power to do it but I was overruled in my objection by othe members of the board who said they had the power. A scale was adopted and sent up to the Home Office for approval; the Home Secretary approved of it, and certified it; and we acted under that approval. Afterwards we got a letter from the Home Office stating that in the opinion I think of the present law officers of the Crown the scale was illegal. I said we had the opinion of the former law officers of the Crown, and of the then Secretary of State that it was legal and we adhered to the former opinion.

3337. You acted on the opinion that was most in accordance with your own feeling?—Yes

3338. Do you think that further powers should be conferred on fishery boards as to fixing the amount of license duty beyond what is given by the existing statute?—Yes; if you look at the 36th clause of the Act of 1865, you will see it provides that, "any person using within that district

istrict any fishing weir, fishing mill-dam, putt, utcher, net, or other instrument or device, not eing a rod and line, for catching salmon, without aving a proper license for the same, shall be iable to a penalty of not less than double the mount to be paid for the requisite license." Now we have frequently met with cases of that ind; we have nothing fixed for a method of illing salmon, other than those named in the Schedule to the Act of 1865, the method of kil- ng varies in various cases; particularly in the stuaries of the Severn. In the wide part of the stuary of the Severn there are large pools of ater in which the salmon swim about, and the eople can see the salmon, and they go in and kill hem with sticks; there is no power to license hose instruments for killing the fish, consequently he fish are killed by unlicensed persons and no enalty attaches.

3339. Of course you have considered the first ords of the concluding paragraph of the first chedule to the Act of 1865, "for any instrument ot named in this schedule"?—Yes; we applied to he Home Office to fix a license "for any instru- ient not named," and the Home Office said that if e would mention the instrument they would do t, but they could only do it if we mentioned the nstrument, as if we mentioned one in particular omething else would be immediately used, nd we were unable to do so.

3340. I did ask you some questions with regard o the Special Commissioners and the mode in which they have done their work in your locality, ut do you think that there should be power given to the Special Commissioners or some other ribunal to inquire into the case of every dam hat materially obstructs the passage of salmon, whether used for fishing or not?—Yes, if it naterially obstructed the passage of salmon, but I cannot go so far as to say every dam.

3341. But every dam that materially obstructs he salmon passing to the upper parts of rivers?— Yes.

3342. From your experience of the mode in which the Special Commissioners have done their work, do you think their powers should be ex- tended in that direction?—Generally yes.

3343. With that limitation?—Yes; I was going to observe, that in the case of some of those dams far more difficult points of law would arise than have arisen with regard to the estuary; there it was simply a matter of fact, but I think that some very difficult points of law would arise with reference to some of those mill-dams.

3344. Do you suggest that those cases should be tried by some other tribunal, or would it not answer the purpose if they were determined in the first instance by the Special Commissioners with an appeal to a superior court; such, for ex- ample, as the Court of Exchequer Chamber?— Yes.

3345. At present there is merely an appeal to a superior court without going beyond that, is here not?—Yes.

3346. Would you add the power of going to the Court of Exchequer Chamber?—Certainly.

3347. Have you had in your experience a case of two appeals with regard to one decision?— No.

3348. We have an appeal in the Tees just now from a tenant for life to the Court of Queen's Bench, and from the tenant in remainder to one of the other courts, and we may have contrary decisions from those two courts; if such a case as that should occur an appeal to the Exchequer Chamber would remedy the mischief, would it not?—Yes.

3349. And that you recommend?—Certainly.

3350. You have already spoken of taking fish for artificial propagation; do you suggest any additional powers with regard to that?—I think it is very hard to suggest any power in that respect.

3351. Would it not meet the difficulty if all fish taken for that purpose were taken only with the sanction of boards of conservators, and in the presence of a conservator and a water bailiff?— That is practically so now in districts where there are boards of conservators, but in other districts where there were no boards of conservators any person could take salmon and say it was for arti- ficial purposes.

3352. In such cases, while we have fishery authorities, would it not be desirable that persons should be restricted from taking salmon ova in that way without the sanction of the central authority?—Certainly.

3353. Would not that cure the evil do you think?—To a great extent I think it would.

3354. Have you anything further to suggest with regard to trout than you have already men- tioned?—No.

3355. In a salmon river would you propose to make it penal to take trout under a certain size? —Certainly.

3356. That is to say, with a view to protect the young salmon?—With that view only.

3357. With regard to bye-laws, I think I understood you to suggest that there should be power to limit the size of the mesh of nets, and that other matters should be regulated by bye- laws?—Yes.

3358. Do you think that power to make bye- laws is absolutely necessary?—I think it is most essential.

3359. Should that include, among other things, the size of the mesh of nets, and the place where the nets should be used?—Yes; with regard to the place where the nets should be used, I wish to say that at the present time you net as close as you like to the mouth of any tributary of any salmon river; where there is always a pool, similar almost to the pool under a weir; the fish lie in those pools, and by sweeping with the nets one after another, the fish are practically prevented from ascending those rivers.

3360. You would have, if I rightly understand you, places of that kind entirely protected against any netting?—Yes, I would have such places entirely protected against any kind of netting.

3361. You would make a sanctuary there for the fish going up the stream?—Yes.

3362. Did you hear the evidence which was given by a previous witness before this Com- mittee with regard to protecting a certain portion of the water around the mouths of an estuary?— Yes, I heard that evidence.

3363. Would you give boards of conservators power to make similar provisions with regard to the pools you have referred to?—Yes; I would propose that by bye-laws they should have the power to prohibit fishing within certain limits.

3364. Where the exigencies of the fishery re- quired it?—Yes; where the exigencies of the fishery required it.

3365. With regard to the weekly close time,

Mr. *J. Willis-Bund.*

8 April 1870.

are you satisfied with the present length of time, or would you propose to have it varied?—I think it might be varied by giving the whole of Saturday, but I am opposed to any greater extension: in public waters where any one has the right of fishing, if people cannot fish legally, they will fish illegally, especially people whose sole livelihood is derived from it; so that putting everything else apart, the large stock of water bailiffs that you would have to keep up in order to prevent illegal fishing would be a very serious item in the expenditure.

3366. You would give power to vary the close time by means of bye-laws, as I understand you?—Yes.

3367. And with respect to the annual close time, you would give power to alter that by means of bye-laws in the same manner?—Yes. With regard to those putchers which I have referred to on the Severn, every fish that is taken in them is taken dead; the fish are driven into them by the force of the tide and drowned, it is perfectly legal now to fish with them from the 2nd of February to the last day of August. In the spring months when the kelts are running down to sea a large number of them are destroyed in these putchers; if a system of this kind was adopted that the putts and putchers should not observe the weekly close time, but should not begin to fish till, say, the beginning of May, I think that a great advantage would accrue, you would have a clearer run for the fish to the upper proprietors; and you would prevent a great destruction of kelts which ought to be protected even at some loss.

3368. And that is one of the matters which you think might be provided for advantageously by means of bye-laws?—Yes.

3369. With regard to the subject of licences, have you quite explained your views on that point?—Yes.

3370. And also with regard to the places where it would be illegal to fish in certain pools?—Yes.

3371. Now with regard to the mode in which bye-laws should be made, what suggestions have you to offer to the Committee?—I have given a good deal of attention to that, because it would be very difficult to secure everybody a hearing before making a bye-law, which I think they ought to have; and the result, after thinking a good deal of it, is this, that any person proposing to bring forward a bye-law should give notice at a meeting of the board of conservators.

3372. You would let it originate with boards of conservators in the first instance?—Yes, I think that the notice should be signed by, say, three conservators, and should be discussed at the next meeting of the board; advertisements of the intention to propose such bye-law should be inserted in the local papers, and if the board decided that that was a fit subject for a bye-law, the matter should be referred to a committee of the board, whose duty it should simply be to hear every one, either for or against it, and take evidence.

3373. You propose that they should hold a public court?—Yes, that they should hold a public court, and take evidence either for or against, and the committee should report that evidence at the next meeting of the board; and if the board on receiving the report should resolve, by some specified majority, to adopt the bye-law, the bye-law and a copy of the evidence should be sent to the central authority, and th it should remain in the hands of the centr authority to say whether the bye-law should confirmed or not, or to direct that further inqui should be made.

3374. You would also, I suppose, give noti of the intention further to apply to the centr authority for a confirmation of the bye-law in t same way as is done under the Docks and Ha bour Acts?—Yes, certainly; by that means a persons who have anything to say against t bye-law would have what they had to say place on record.

3375. Do you find that placing an eel trap, f the purpose of taking eels, in many cases inte feres with the salmon?—It interferes with t young salmon going down to sea. That cou very easily be obviated, because the salmon a not going down at the time the eels go dow I catch a great many eels myself, which are some considerable value.

3376. At what time do you catch them?—W catch eels between Midsummer and Christma it is no good fishing for eels between Christma and Midsummer, and that is just the time th young salmon go down to sea; eel-traps a made with flood-gates, and when they are pulle up the gratings stop the eels and send them int the traps; by two hinges the gratings can b pulled up and down during the spring months o the year, and the fry can go through.

3377. You would, in fact, have a close tim for taking eels, so as to protect the salmon?— Yes.

3378. As a proprietor of an eel fishery, yo say that would not damnify you in the slightes degree?—No, not the least; for we never thin of fishing at those times.

3379. With regard to raising funds for fishin purposes, have you any suggestion to make to th Committee with regard to the power that yo think should be conferred upon boards of con servators?—I think that it would be advisable t extend the system of licenses to other fishing besides salmon; in fact, I may say to all ne fishing.

3380. Mr. *Knight.*] Do you mean in estuarie as well as rivers?—Yes, in estuaries as well a rivers.

3381. *Chairman.*] Have you placed a fish pass on your mill dam?—Yes, I have.

3382. What kind of pass is that?—It is a Forsyth ladder.

3383. Is it successful?—Yes, it is successful after a great deal of alteration.

3384. What are about the dimensions of it?—I do not know whether you have the pamphlet of Mr. Francis here; there is a picture of it, and I think it is given accurately.

3385. What is the name of that weir?—It is the Powick Weir.

3386. This drawing of it given at page 22 of Mr. Francis' pamphlet is a drawing which he made, and is pretty accurate you say?—Yes.

3387. The dimensions are given there, are they not?—Yes, I furnished him with those dimensions.

3388. You say that that weir has been successful?—Yes. To show the success of it, I may say that when no water has been all the summer going over the weir and the water has been only going through the fish pass, at the next weir above a large number of salmon have been seen leaping so that they must have gone up through the pass, and

nd I frequently have seen salmon lying in the pper chambers of the pass.

3389. The Powick weir is described as the key o the Teme; is that so?—It is the lowest weir n the Teme.

3390. What was about the cost of that pass? —The cost was very heavy through an accident vhich happened when we got half finished; a lood came down and washed away all our works. think it cost about 200 *l.*

3391. Was that work done at your own cost? —Yes.

3392. Do you know anything of the Bransford Pass?—Yes.

3393. Is that a successful pass?—Tolerably o.

3394. It is described on page 21 of the same amphlet?—Yes, it is as good a pass as we could et, under the circumstances; I might state to he Committee the difficulty of applying certain lans of fish passes to some of these weirs by eason of the titles under which they are held. As long as there is any water running over the op of the weir all the mills can work; but as con as it drops to a certain point one of the mills s forced to stop. Consequently, any cut in the rest of the weir would seriously damage the legal ights of the persons, and that causes a great deal of difficulty. This was especially so with egard to the Bransford Pass.

3395. Mr. *Knatchbull-Hugessen.*] Do you think hat any intervening power should come between oards of conservators and the central authority vith regard to bye-laws?—If the present constitution of fishery boards were maintained, I hink that it would be advisable to have the inspectors to attend.

3396. You spoke of continuing the powers of the Special Commissioners; would you make them, as some of the witnesses before this Committee have wished to do, a permanent court?—No, I think not.

3397. Is it your intention, when you say that you would continue or increase their power, only to do so with regard to inquiring into dams, the legality of which has not yet been determined? —Yes.

3398. With regard to the celebrated case of Rolle *v.* Whyte, I understood you to say that you acquiesced in the judgment of Lord Chief Justice Cockburn rather than in Mr. Paterson's opinion upon it?—Yes, certainly.

3399. And you say that that is the general view of the lawyers?—Yes, I think so.

3400. Is that pass upon your mill-dam the same kind of pass that Mr. Paterson recommended in his evidence before the Committee?—No, it is recommended by Mr. Eden and Mr. Ffennell; they constructed it; it is a Forsyth pass.

3401. Do you think that the pass recomended by Mr. Paterson is superior to yours?—As I understand Mr. Paterson's evidence, he did not recommend any particular form of pass, but only a cut of two feet square in the weir.

3402. You do not think in his recommendations he has arrived at the solution of this vexed question, or at "the infallible certainty" which he believed himself to have reached?—Certainly not; he had only got to the question of the supply of water, and not to the form of pass. He did not say what you were to do with the water when you got it.

3403. Do you agree with Mr. Paterson in his opinion that the Bill introduced last Session was worth nothing at all?—Certainly not. I am one of those who thought it was foolish not to take what we could get.

3404. In that Bill there was a provision bearing upon the eel question, was there not?—Yes.

3405. There was an extension of the power of making bye-laws?—Yes.

3406. Generally, do you think with regard to the principal modifications and alterations which may be required in the present Acts of Parliament, that those alterations and modifications might be entrusted to the boards of conservators to be made by bye-laws?—Yes, I think so, to a great extent. There are one or two questions which should be left to the Imperial authority, but, generally speaking, I think that boards of conservators could do the greater part of the work.

3407. Just one word with regard to the constitution of boards of conservators, do you think that increased powers to make bye-laws could be safely entrusted to boards of conservators constituted under the present system?—Yes; but I think the boards should be more representative.

3408. Have you gone at all into the question of the way in which that representation should be obtained?—I think it should be done by persons paying a license duty over a certain sum, being allowed a vote, and to those who paid under a certain sum it could be made up by people agreeing among themselves as to who they would vote for.

3409. You do not see any insuperable difficulties with respect to arranging a fair constituent body among the license holders and holders of property?—Certainly not.

3410. I think I understood you to say that you were a mill-owner?—Yes.

3411. Are you afraid that the alterations in your mill-dam might affect the value of your mill property?—Certainly, if you cut two feet out of my mill-dam it would affect it very seriously.

3412. Are there many mill-dams in which such a cut as Mr. Paterson proposed would create a fear on the part of the mill-owner which would not be altogether groundless?—I think almost every miller would say that taking away two feet of water would cause great injury.

3413. Was Mr. Paterson, in your opinion, right or wrong in thinking that the millers and millowners were not the best judges of how far the value of their property would be affected?—I think we are capable of forming an opinion as to how our property would be affected.

3414. Should you object to compulsory powers being given to boards of conservators to purchase mill-dams?—Yes, I think I should.

3415. Do you, or do you not, think that the value of the fisheries in a national point of view, is so far superior to the value of the mills, that it would be right to give that power somewhere?—I think that the milling interest is almost more important than the fishery interest, but perhaps I am reasoning from my own case.

3416. Supposing a board of conservators were to think that the removal of your dam would act very advantageously for the fisheries above you, then should you feel that there was any injustice if you were told that for the sake of the fishery, your mill dam must be taken from you?—Yes, I should. Mine is a very ancient mill-dam, and I should feel it a very great injustice, I think.

Mr. *J. Willis-Bund.*
8 April 1870.

3417. Would your sense of injustice be founded merely on the antiquity of the dam, or on anything else?—No, it is founded on the assumption that while they were going greatly to improve the fisheries, I was going to lose a large annual income.

3418. Suppose the compensation clauses of the Lands Clauses Act were applied to your case, should you feel certain of obtaining adequate compensation?—I am not quite clear that I should.

3419. In fact, you object to those compulsory powers being given?—Certainly.

3420. Do you think that those powers might be granted with some restriction with regard to value; that is to say, if a mill-dam were required which was shown to be of very small worth, and which was operating very injuriously to the fishery, in such a case, under proper restrictions, do you think compulsory powers might be given?—That would be different from the case of very large and important mills.

3421. How would you determine the point whether or no the mill dam was of sufficient value to be beyond the fair application of compulsory powers or not?—By the rent of the mill I think.

3422. Would you have that settled by any special court?—You have an authority at present, the union valuation list.

3423. Would you take that as the sole criterion is assessing the value?—The rent and the capabilities of the mill.

3424. But you must have some tribunal to determine what the capabilities were, must you not?—I think that two surveyors, in accordance with the provisions of the Lands Clauses Consolidation Act, would be able to say what the capabilities were.

3425. Would you have in the Act of Parliament some statement by which the surveyor should be guided as to what limit of rent and capability should be taken?—I think if it could be shown that the mill could be fairly increased above a certain annual rental, the law should not apply, but if it was shown that it was a tumble-down place, and never could be made any better, that would be a case for compulsory powers.

3426. But should that question be dealt with by a clause in a general Act of Parliament, stating pretty much what you now say?—Yes, like the Lands Clauses Consolidation Act, each party should appoint a surveyor, and refer it to an arbitrator; and his decision should be final, unless it was appealed against.

3427. But would you have the value beyond which the compulsory powers should not be applicable, stated in a general Act, or determined in the locality?—I think it should be stated in the general Act.

3428. What value have you in your mind when you make that suggestion; I mean a mill of what rental?—Say 100 *l.* a-year.

3429. If a mill was not rated above 100 *l.* a-year, you think it would be fair to put compulsory powers in force under the Lands Clauses Consolidation Act?—Yes, 100 *l.* is the extreme limit.

3430. Do you think that providing such powers as those which have been referred to, would cause a considerable feeling of hostility among the mill-owners against any Salmon Act?—Yes; very great hostility, I think.

3431. Supposing those compulsory powers to be necessary eventually, it might be wise, mi it not, to proceed by more gentle legislation u we have so increased the value of the fishe as to make that value more apparent to the n owner?—Yes, most decidedly.

3432. In that view the mild Act of last Sessi if I may so call it, would have been useful, wo it not?—Yes.

3433. Did any amendments to the Bill of l year suggest itself to your mind when was before the House of Commons?—One two amendments, more verbal than anythi else.

3434. But your idea generally is that c servators might make bye-laws, and that t Home Office should still remain the power fr whom the sanction to those bye-laws should obtained, the intervening power being the i spectors acting as servants to the Home Offic —Exactly.

3435. Then you think that arrangement wor satisfactorily at present?—Yes, it does.

3436. Have you had visits from the i pectors?—Yes, we have had frequent visi from them.

3437. And your communications with the have been generally satisfactory?—Tolerably s

3438. When you say "tolerably so," do yc allude to any particular point that has not bee satisfactory?—What I was alluding to was, tha at the suggestion of the inspectors and anothe gentleman, I consented to place two diagon boards on my weir, and the result was that th weir blew up; that was the qualification whic I intended.

3439. Mr. *Lowther.*] As I have not been pre sent during the whole of your evidence, I mus ask you have you given any evidence about wate bailiffs?—No, not anything, except with regar to searching boats, and with respect to a powe of arrest in some cases, as provided for by th Larceny Act of 1861.

3440. Do you think the regulations with re spect to water-bailiffs are satisfactory at present —I should like to give them increased powers with regard to the time to stay on lands, unde an order from the magistrates.

3441. Now they have only 24 hours, I be lieve?—Just so.

3442. What would you suggest that the ex tension of time should be?—I should say that a week would be ample, because if you suspect that something is going on wrong, it is only in that case that water-bailiffs are required to have an extension of time, and they ought to be able to find it out in a week.

3443. You do not think that that would cause any ill-feeling among the people on whose property they would be obliged to go?—I do not think that the people would like it, but it would be advantageous to the fishery interest, no doubt.

3444. Mr. *Richards.*] Have you any idea of how many mills of the value of 100 *l.* a-year there are on the Severn that might require to be purchased?—There are no mills on the Severn, I think, till you get near Shewsbury; but there are a good many mills on the tributaries.

3445. I understood you, I think, to fix 100 *l.* a-year as the limit?—Yes, as the extreme limit; there are six mills in the first two or three miles on the Teme; but then those mills are each supplied by two weirs. At Powick there are three mills; at Bransford there are three mills; at

t the next weir there is only one, and, I think, here are two at the next place.

3446. How would you propose that the money hould be raised to pay for any mills taken compulsorily?—I do not see how the money is to be aised.

3447. Do you think, from your experience on he Severn, that it would be possible to raise noney on the security of the licenses?—You night get something.

3448. But would you get sufficient to pay for he purchase of the mills compulsorily?—Certainly not.

3449. Would you give boards of conservators he power of making fish passes compulsorily?—Yes, in cases where the owner refused, and in ases where they were considered by the central uthority to be bad fish passes.

3450. Would you have a maximum limit with egard to the cost of making a fish-pass?—No; vhat I should say is, if they have money to spend et them make a pass as good as they can; we are enerally now obliged to limit our costs to a very mall sum; we have made passes over most of he mill weirs, but at a very small cost.

3451. Your answer is given under the assumption that the money would be raised by boards of conservators from the licenses?—Yes.

3452. Do you think it would be a satisfactory node of making bye-laws that the inspectors hould attend and hold an open court with the conservators, and hear the evidence, and that in ieu of the central authority which has been suggested, the bye-laws should be made by some provisional order which should be required to be confirmed by Parliament?—I have no objection to that plan, but I think the plan of having a central authority better, because, as I presume, they would not make bye-laws without going carefully through the provisions; they would have an opportunity, if they saw anything wrong, of directing further inquiry.

3453. Mr. *Hambro.*] Do you mean to say that the diagonal boards blew up your weir, or that they were affixed in such an unskilful manner that the water got in and blew up the weir?—I believe that the boards blew up the weir.

3454. The boards themselves?—Large iron pins were driven in; the boards were fixed by the pins; they were cemented on to the weir, and the pressure of the water caused the boards to vibrate, and that caused the pins to vibrate also, and that caused one stone to go, and then the rest went.

3455. That was a fault of construction, was it not?—No; in what was considered an approved way.

3456. Do you mean to say that you cannot put diagonal boards on a weir without blowing it up?—Certainly I do not.

3457. Do you know what the average value of a corn mill is in England?—No.

3458. Is not 100 *l.* a year a good price to pay for a mill in England?—I do not know.

3459. Do you see any objection to taking up the ova in salmon rivers for the purpose of propagating the fish in other rivers?—No.

3460. Is it not the fact that more fish are produced from a given quantity of ova artificially than if they are allowed to lie in the bed of a river?—I do not know that.

3461. Would you recommend that the Crown rights in those putts and putchers should be given up to the public?—If the Crown would do so.

3462. Do you know what their value is annually?—I do not; I should say about 50 *l.* a year, but of course I am speaking quite without data of their particular value.

3463. You do not know who put them up?—I believe they have been put up recently. The Crown bought the property there, I believe.

3464. And then put up putchers?—The tenants did.

3465. Do you know what authority they are under?—Under the Woods and Forests.

3466. Have the Crown similar fishing rights in any other river?—I do not know; this is the private property of the Crown.

3467. I did not understand your explanation with regard to the advantages of trying a plain question of fact as to the legality of putchers before the Special Commissioners instead of before a judge at Nisi Prius, will you be kind enough to explain that a little more fully?—The question is simply this: I assume that the Special Commissioners are as intelligent as an ordinary county court jury, and you try questions of fact before such a jury.

3468. I understood you to say that the Commissioners were in fact a cheaper court to try those questions than the judges would be?—Certainly.

3469. Have you considered what the cost to the country is of those three Commissioners?—No; I meant only the cost to the parties.

3470. If you wished to try a case before the Special Commissioners you could, and you would, I suppose, if you thought necessary, retain counsel to represent you before the Commissioners?—Certainly.

3471. Exactly the same as you would before a judge?—Yes.

3472. Is it usual to retain many gentlemen learned in the law when the question is a plain matter of fact?—Yes, most Nisi Prius cases are questions of fact.

3473. You said, I think, that if you went before the Special Commissioners you would not retain counsel?—I should send my solicitor before the Special Commissioners.

3474. I understood you also to say it was more expensive to try the question before a judge than before the Commissioners?—Yes, there are court fees and other fees in order to get a case up so as to present it before a judge, whereas before the Commissioners there is nothing of the kind required.

3475. But the country has paid a very large sum of money in order that you may have your law cheaper, has it not?—I believe so. But I was asked with regard to the procedure between the parties, was it cheaper or not to go before the Special Commissioners than to go to Nisi Prius, and taking it as between the parties, I say it is cheaper to go before the Special Commissioners.

3476. Do you keep any list of the attendance of conservators on your board?—Yes.

3477. How often do the gentlemen who are the minority, and who represent the largest amount of money, attend?—They come more often than anybody.

3478. I understood you to say that you would take no trout under a certain size for fear of taking salmon; do you think that young salmon

Mr. *J. Willis-Bund.*

8 April 1870.

and small trout are the same size?—To a certain extent they are; smolts just going to sea are about the size of small trout.

3479. You would not apply the bye-law with regard to trout to rivers where there were no salmon?—I would apply it only in the case where the law with respect to trout now applies in rivers where salmon are found.

3480. Do you not think that the plan of not allowing trout to be taken under a certain size would put an entire stop to trout fishing in that river?—If I found persons in possession of them I should fine them, unless they returned the trout immediately to the water.

3481. That does not hurt the fish, does it?—It does not do them any good.

3482. Colonel *Amcotts.*] Can salmon generally get up to the spawning ground of the Severn and its tributaries now?—I think so. The navigation weirs are great impediments, no doubt.

3483. Does that include the Teme?—The Teme comes in after the second navigation weir; speaking of the new weirs.

3484. I think you have stated that there are several mills on the Teme?—Yes.

3485. Can the salmon get up the Teme, generally speaking, to the spawning beds?—Yes, I think so, nearly to Sudlow, because over most of the lower weirs fish passes have been placed.

3486. I understood you to say that you objected to compulsory powers being given for the purchase of mills, except under certain circumstances, but might compulsory powers be given to make fish passes in every mill-dam?—Certainly, if the mill-dam obstructs the passage of the salmon.

3487. That would be inquired into of course by the Special Commissioners in the first instance?—I think so, or the boards of conservators might be able to say that.

3488. And then you would allow an appeal to a superior court?—Certainly.

3489. Mr. *Whitwell.*] You say you have heard of Commissioners having received as evidence printed copies of grants, but I did not understand whether you meant to say that the original grants had been produced in the House of Lords?—Certainly; I believe the originals had been produced upon the late Sir Maurice Berkeley's claim to the barony; all the original grants were produced, and copies were printed, and those copies were admitted by the Commissioners as evidence.

3490. Were the copies verified by any process by those who produced them?—I believe the Blue Books of the House of Lords were assumed to be correct.

3491. With regard to the constitution of the Severn Board of Commissioners, did you wish the Committee to understand that the 421 *l.* received for the tidal fisheries were only represented by the Gloucester members of that board?—By the elected members for Gloucester, and the *ex-officio* members of that district.

3492. In the number of members, of which you produce a list, several of them I suppose are connected with the fisheries?—Yes, many of them are connected with the fisheries.

3493. Have you any idea what proportion they bear to the whole board, speaking of Gloucestershire alone?—I can count six, I think, out of 16, who I know are actively engaged in the matter.

3494. Does that bear a larger proportion the members for Gloucester, than a similar cl which could be selected from the remaining me bers of the board; there are 59 *ex-offi* members, and 84 elected members, I think I u derstood you to say?—Yes.

3495. What proportion, speaking at a gue represent the fishing interest?—About 20, if y mean persons actively engaged in fishing.

3496. That is to say, 20 members of the boa take out licenses?—I do not suppose that ar thing like 20 members of the board take o licenses for themselves or their tenants, if y except rod and line licenses.

3497. It has been suggested that boards conservators should make bye-laws; I want ask you a question, which will be better illustr ted on the map; your district extends to th south and east bank of the Severn, and the W district extends to the north-west bank of th Severn; is it most desirable that the boards o the north, and the boards on the south bank the river, should make similar bye-laws?—Yes.

3498. Would it be very inconvenient if they wer to have separate powers of legislation, and legi lated in a dissimilar manner for the same river —Not so very much, perhaps, because the Wy board have not the large amount of fixed engine that we have.

3499. But where conservancy boards exist i an almost identical district, and the fish are th same, and the periods for fishing are the same, i it not most important that those fishery bye-law should be identical?—Yes; but I may add tha that is not absolutely so, for the Wye has a differ ent close time now from what we have.

3500. Is that a desirable thing?—We believ they think so, and we do not object to thei having a longer close time than we have.

3501. But does not that suggest the necessity of having a representative from the central autho rity at the boards of conservators when thos bye-laws are made to secure uniformity of action —I can see no objection to that.

3502. Now, with regard to the mills, you said as I understood you, that you would allow mill to be purchased up to 100 *l.* a-year rental?—Yes.

3503. Are some of your mills preparatory mill for manufacturing purposes?—Two are corn mills and the other is a mill for preparing things for China.

3504. Then other processes are dependent on those willing processes?—Yes.

3505. Would it be easy to estimate the damage done to the subsequent processes as well as the damage to the miller for his milling purposes, by the taking of his mill away?—No, it would not.

3506. That would be an ingredient in the value of the mill to the manufacturer, would it not?—Yes.

3507. I am requested to ask you whether you think the riparian owners would, as a rule, be unwilling to have any compulsory powers put in force for the purchase of mills and weirs, if their lands were to be charged as security?—Most certainly they would not.

3508. With regard to the Crown rights, would there, in your opinion, be any advantage in giving power to boards of conservators to acquire the rights with the view of taking the benefit of the improvements of the fishing under those Crown rights?—I see no objection to that.

3509. Earl

3509. Earl *Percy.*] Do you find that the income of your board is sufficient for all purposes?—No, it is far too little.

3510. Have you ever considered any method of raising money?—Yes, we have considered various methods, but we have been unable to do anything particular. I suggested, in answer to a question from the Chairman, that if we had power to license all articles used in net fishing, I think we should be able to raise an income in that way.

3511. Are you in favour of a rate being levied?—No.

3512. Why not?—For this reason: take the case of any public water; you cannot levy a rate in public waters, you can only do so in private waters; if you charge the owner of private waters for licenses and you charge him a rate as well, you tax the owner of the private fisheries double what you charge the persons who fish in public waters; the persons who fish in public waters only pay a single tax.

3513. Did not I understand you to say that there were very few public fisheries in the Severn?—In the tideway; but from Gloucester up to Welshpool the greater part is public water.

3514. That is fresh water?—Yes.

3515. Mr. *Liddell.*] In the early part of your evidence you spoke of pollutions of rivers?—Yes.

3516. That is provided for or contemplated in Section 5 in the Act of 1861, that is to say, with regard to all pollutions situated on the tideway?—Yes.

3517. Those pollutions are generally contained in reservoirs; are they not attached to the manufactories producing such pollutions?—Yes.

3518. Supposing you made it compulsory by law on the owner of such a manufactory to discharge his reservoir invariably at flood tide, would not that be a tolerably effectual remedy against pollution of the river as far as the fish are concerned?—I think it would be only a partial remedy, because the fish might be running at the flood, and I think that that pollution might deter them.

3519. Can you contemplate a better remedy than such as I have suggested?—No, except forbidding them to discharge the pollutions at all.

3520. Do you know the river Tyne?—No, I do not at all.

3521. But you can conceive a river crowded with manufactories; now, it would be impracticable to prohibit the discharge of pollutions created by manufactories; in a case like that, would it not?—Quite so.

3522. Again, would it not be desirable to adopt the same principle, as far as possible, with regard to pollutions situated other than on an estuary, and to take advantage, as much as possible, of high water coming down for the discharge of the pollutions?—Most certainly.

3523. Now, you have given the Committee a description of a net on the Severn, used for the purpose of catching some other fish besides salmon, but which did catch a considerable number of salmon, and for killing which fish they used an illegal mesh?—Yes.

3524. I think you also said that your Board of Conservators, on the condition of their taking out a license, took no notice of those nets?—That is so.

3525. Is not that tantamount to saying, if you will pay us you may break the law?—It is very much like it.

3526. The *ex-officio* members of your board are magistrates, are they not?—Yes.

3527. Do you think that the law could take cognisance of a proceeding of that kind on the part of the magistrates?—I do not see how it could be done.

3528. I need hardly ask you if that is not a very objectionable principle to admit?—I think it is most objectionable; of course, we do not absolutely know that the salmon are taken, but we have very good grounds for believing it.

3529. Otherwise, you would not ask them to pay a license?—No.

3530. You said you thought it would be desirable to prohibit the putchers from working till the fish, returning to the sea, had left the freshwater; and you described that period as running up to about the end of May?—Yes.

3531. Is not the value of salmon in the market quite double in the period you have described to what it is at any other time of the year?—Yes, more than double.

3532. It is worth 1 *s.* 6 *d.* a pound in the summer, and it would be worth 3 *s.* 6 *d.* in the spring?—Quite so.

3533. Would you propose to allow nets to fish during that time?—Certainly.

3534. Then you would be regulating the use of nets, would you not, at the expense of the putchers, during the whole of the period for which the salmon was commanding that high price?—Yes, but then the nets would observe the weekly close time which the putchers would not.

3535–6. The putchers are now not subject to any weekly close time, I believe?—Yes, they are.

3537. But as an equivalent you let them fish all the week?—Yes.

3538. Would they consider that an equivalent for the loss of the valuable salmon fishing in the spring?—Yes, I think so, because to a great extent the putchers are not put in very early in the spring; a great many are put in about the beginning of April; I have been told by some putcher proprietors they would like the change.

3539. Why are they not put in earlier?—There is not such a run of fish, and it is not worth while because they get knocked about and put out of repair in the heavy waters in the early spring.

3540. Do you think that in the upper tributaries of salmon rivers if you were to prohibit no trout to be taken under a certain size, that you would add or take from the popularity of a Salmon Act?—I dare say that would be unpopular.

3541. Salmon laws are unpopular now, are they not?—Yes.

3542. If you were to pass a law of that kind, you would make any future law infinitely more unpopular, would you not?—Yes.

3543. Is not it a very dangerous thing to render a salmon law unpopular in the upper waters?—Yes, but we have a precedent in the Act of Elizabeth, repealed under the Act of 1861; under that Act no fish of a certain size were to be taken.

3544. But laws that are not consistent with public feeling are apt to fall into abeyance, are they not?—That Act had to be enforced at the court leets, which themselves fell into abeyance.

Mr. *J. Willis-Bund.*

8 April 1870.

3545. But if a law does not run tolerably in accordance with public opinion, it is apt to fall into abeyance, is it not?—Yes.

3546. Do I understand you to say that the antiquity of a weir in some respects, particularly in your own case, adds to its value?—No, rather the contrary, because it would want more repair.

3547. But viewing it from another point of view, may not the mischief that the weir has worked upon the other proprietors above it be measured by its antiquity?—Yes, I suppose it may.

3548. Regarded from that point of view, that would constitute a reason in favour of giving powers to purchase up such weirs, would it not?—Yes.

3549. Did I understand you to say that you would object to that power of purchase?—Yes, I should.

3550. Do you think it is fair, as a principle of law, that one man should be allowed for ever to prejudice his neighbours?—As a principle of law, if he has acquired the right by time he is allowed to do so; of course, in any general system of legislation, if we are to begin afresh, that would not be so; but as the law allows it in a great many cases, I see no reason why a difference should be made in the case of weirs; the difficulty is that it involves so many other rights, that is to say, if you interfere with one right you interfere with so many other rights.

3551. One question with regard to the answer you have just given; does it follow that the fish frequenting the same estuary, with different rivers flowing into such estuary, are identical in their habits and their nature?—No, I think not.

3552. Do you know that that is not so?—I believe that it is not so. For example, I know that on the Severn they run up very early, and on the Teme they do not run up till late. The Teme is a tributary of the Severn, 40 miles from the sea.

3553. The Teme has not a separate outlet, has it?—No. The fish do not go up the tributary; they pass it by, and go up the main stream.

3554. Do you attribute that to the existence of impediments to the passage of the fish upon the Teme?—No; I attribute it more to the coldness of the water coming down more directly, as it does, from the mountains.

3555. Take the case of the Wye which runs into the same estuary; have you observed, or do you know, that there is any difference in the habits of the fish frequenting the Wye?—I believe the Wye is later than the Severn.

3556. That would be shown by the difference in the close time, would it not?—Yes.

3557. Supposing you gave to boards of conservators the power of framing bye-laws and putting restrictions upon the use and the size of the nets, would it not be just that the interests affected should be adequately represented on that board?—Most certainly.

3558. You could not contemplate giving such powers unless the representation was fairly proportioned, could you?—Certainly not.

3559. Do you see any difficulty in so proportioning the constitution of the board?—I think not.

3560. *Chairman.*] I think you have suggested that license holders should have the power to vote according to the amount of license dut paid?—Yes.

3561. How would you regulate that on th Severn, for instance?—I think that a vote fo every 5 *l.* license would do.

3562. Then, if a man pays a 5 *l.* license for set of putchers to the owner of a property, woul you give the license holder the right to vote, o would you give the owner of the fishery tha right?—I think that in that case they both shoul have a vote. I would by no means exclude th fishery proprietor.

3563. You would give them both a vote then —I think so.

3564. Then you would give a man who may b only a tenant from year to year, and who may never fish after that year, equal right of voting with the man who has enjoyed that right from time immemorial?—He is the actual occupier.

3565. I think I understand you to say that you contemplate having meetings annually for the election of boards of conservators?—Yes.

3566. In the autumn?—Yes.

3567. That would give the man who had paid a license duty during the present year an equal right to vote with the owner of the property, would it not?—Yes, I think so.

3568. Although the man may never fish again?—Yes; but he would be affected by any law made during that year.

3569. But you are now electing a board to make laws for the future?—Yes; but with respect to any law previously made he would feel the effect of it, or as to the repeal of any law; he would for that year be a fishery proprietor.

3570. You think that the transient interest of a man who simply takes out a fishing license from year to year ought to have equal representation with the interest of the proprietor of that fishery?—Perhaps not equal representation; but I think that he should be represented.

3571. Do you not think that the interest in that fishery is fairly represented by the proprietor having the right to vote, he having a permanent interest in it?—Yes; but his interest would be represented so far as the existence of putchers on the mouth of the river is concerned; but say that it was proposed to extend the weekly close time, he would have no particular interest in that; that would be a tenant question.

3572. I presume that a man who occupies a set of putchers, pays a license duty and pays rent?—Yes.

3573. How would any increase in the license duty affect him?—I think it would affect him seriously.

3574. But how would it affect him?—He would have said, "My expenses are so much; my catch will be so much; and my profit so much." But if you doubled his license duty, his calculations would be wrong.

3575. You mean that if you increased the 5 *l.* to 10 *l.* for license duty?—Yes.

3576. But that would affect the amount of rent which he would give, would it not?—Yes.

3577. That is to say, if he paid 20 *l.* for a license duty, instead of 5 *l.*, he would propose to pay his landlord 15 *l.* less rent than he did before?—Certainly.

3578. Then I will ask you, does not that show that it is totally an owner's question?—It is an owner's question to a certain point, but I think that

the occupier ought to have some voice in the ter.

579. You contemplate those bye-laws coming operation after a considerable interval, ces, and notices again, and then three months elapsing?—Certainly.

580. Would not the time of those bye-laws ing into operation cover any ordinary yearly ncy almost?—It would.

581. Therefore the tenant would have an ortunity of revising the terms on which he the fishery from the landlord, would he not? es, if he was a yearly tenant.

582. You have stated, I believe, that in a cer- portion of the river Severn, the salmon ery is public?—Yes.

583. Would you have those persons who pay nse duties in those public fisheries, repre- ed?—Certainly.

584. Would you have them represented in same manner, and to the same extent, as e who pay license duties with regard to pri- fisheries?—No, I think that they should e more representatives.

585. How would you do that?—I would say so many persons should represent the public ers, and, in proportion, that they should have nany more representatives. Suppose, for ex- ple, that for every 100 *l.* license duty paid in ate waters you gave one member to a board conservators, I would say that for every 75 *l.* in public waters you should have a mem-

586. You have stated that you object to com- sory powers of purchase being conferred, in- uch as I understand you to say you think the ing interest more important than the fishery rest?—Yes, I am afraid I do.

587. You do, in your own case, at all events? es.

588. What are the relative values of the and fisheries in your own case?—There are e mills belonging to me.

589. Is the fishery as valuable as the mill in r own case?—No; the fishery would be th about 50 *l.* a-year, and my three mills ld be worth about 400 *l.* a-year.

590. Have you observed Mr. Walpole's map hangs against the wall of the Committee- n there?—Yes.

591. Am I right in supposing that this yellow tion is the portion through which the Teme s?—Yes.

592. And your mill and weir are near the er portion of it, are they not?—Yes, close t.

593. And this green portion is also in your ery district, I believe?—Yes; but there are er any salmon that go up the Avon; no regard aid to that, and no licenses are taken out. It ot in the district, though it is in the water- d.

594. Mr. Walpole has not coloured it red, so t it may be made into a salmon producing dis- t, may it not?—I think he ought to have ured it red.

595. What is that brown part on the map? hat is the river Severn, as it is obstructed by rs.

596. As it is illegally obstructed by weirs, I pose?—I should say "obstructed," because igation weirs are great obstructions.

597. That the fish are totally excluded from the green portion of the map by weirs?—By weirs and unsuitable soil. It is a very sluggish river; there may be a stray salmon in it now and then, but it never would be a salmon river in my opinion.

3598. In that respect you agree with Mr. Walpole, who stated he gave that river the benefit of the doubt?—I dare say.

3599. You say, that you think giving compulsory powers would occasion great injustice, because it would improve the fisheries, while the owners of the mills would lose their anuual income?—Yes.

3600. But how could that be if the owner were amply compensated under the provisions of the Lands Clauses Consolidation Act?—I do not see how he could be amply compensated under the Lands Clauses Act.

3601. But assume for a moment that he would be compensated, in that case how would he suffer injustice?—You are taking away his property against his wish.

3602. But is not that done every day for the purpose of railways, and so on?—No doubt it is.

3603. Do you think that it is a subject of national importance to increase and improve the salmon fisheries of the kingdom?—Certainly.

3604. Would it promote that object if the fish were enabled to pass freely from the sea to the spawning beds?—Certainly.

3605. That being so will you be kind enough to inform me how that object is to be accomplished?—I think it might be accomplished by erecting fish passes over weirs.

3606. Or by removing mill-dams, I suppose?—Yes.

3607. But if the owner objected to the construction of a fish pass what would you do?—I think I have already stated that I would give compulsory powers to construct fish passes.

3608. Taking care, of course, not to injure the mill?—Yes.

3609. Do you think that effective fish passes may be made without injury to the milling power?—Yes, I do.

3610. You have spoken of Mr. Paterson's plans; are you not aware that Mr. Paterson in his plan contemplated raising the level of the dam so that it would not take away two feet of your head water?—Yes, he said so. But in the dry summer months, when every inch of water is of importance his plan would not answer, I think.

3611. But at that time of the year are the fish ever running upwards?—No, but if you have your two feet cut in your weir you must have some leakage through the cut, as it is impossible to make it perfectly water tight, and you are, in fact, losing a certain amount of water.

3612. But is it not really the fact that you may, for all practical purposes, make a cut water tight?—When it is first put down you may make it water tight, but the constant friction of the water wears it away, and in a very few years your sluice is in a very different state to what it was at first.

3613. Then is it not possible for any competent person to repair it effectually?—Then comes the question, who is to pay for it?

3614. But you could repair it?—It is quite possible to renew sluices.

3615. And to repair the old ones?—Yes.

Mr. *J. Willis-Bund.*

8 April 1870.

3616. Would it not be fair and reasonable that any person for whose benefit such sluices should be constructed should be required to keep them in repair?—Certainly.

3617. If that were done would there be any injustice to the mill-owner?—No, if you could clearly prove that you would not affect his head-water; but that is a point I am not clear about.

3618. You have stated to the Committee that in small cases you would agree to the application of compulsory powers?—Yes.

3619. And you fixed a limit?—I said that the extreme limit would be 100 *l.* per annum.

3620. But if it were probable that the annual value of a salmon fishery would be increased to an extent very much exceeding the value of a mill, and the owner of the salmon fishery were prepared to pay full compensation, could there be any objection to the provisions of the Lands Clauses Act being applied in such a case?—The objection would be this: "You are taking away my property; if you can insure my having a supply of salmon, that would not apply, but otherwise you are taking away my property, and benefitting only the lower proprietor."

3621. And the upper proprietor also?—I am afraid not.

3622. But your dam is the key to that yellow patch?—Yes.

3623. That comprises hundreds of square miles?—Yes, certainly.

3624. Supposing your weir and mill occasioned the only obstruction to the passage of the fish in that district, and that the value of it is as you have stated, about 400 *l.* per annum, and suppose it could be shown that the salmon fisheries could be increased in value to the extent of 1,000 *l.* a-year, and the owners of the fishery were prepared to pay you full compensation, would it be unreasonable to ask that the smaller interest should give way to the greater one under such circumstances as these?—If you could prove those circumstances, perhaps not; but you must consider what amount of frontage the owner has, and what amount of fishery he would get, because you might be simply benefitting the people in the tideway, and no one else.

3625. I will assume that he has no fishery whatever in the river, but that the owner has merely the interest in his mill, in the event of his having full and adequate compensation for that mill; the general fishery interest being very much greater in amount, would it not be reasonable that there should be powers given to get rid of that obstruction?—Yes, perhaps so.

3626. That is to say, on making him the fullest possible compensation?—Yes.

3627. You have said, I think, that the principle of the Lands Clauses Consolidation Act under which surveyors are appointed is a reasonable one?—Certainly; it is a most reasonable one.

3628. Would that principle be less reasonable applied to the purchase of a weir, if that weir be proved to do great mischief, than it is in any other case?—No.

3629. You said that before you gave compulsory powers of that kind you would increase the value of the fisheries?—Yes.

3630. But how is that to be done except constructing fish passes, or removing dams certain exceptional cases?—I would constr fish passes first.

3631. Suppose your own dam to have be worth only 20 *l.* a year, with no chance of its creasing in value, and it cost 200 *l.* to put up fish pass, which would require to be repaired p haps by-and-bye, why would you construct fish pass when it would be less costly to buy weir and pull it down?—Under such circu stances perhaps the better course would be buy the weir at first.

3632. You are aware, I suppose, that in Usk a weir was bought and pulled down l year?—Yes, Trostree.

3633. Do you know what has been the res of that?—No, I think it is too soon to look any results.

3634. But I suppose it is probable that anticipations of the persons who bought t weir will be realised, and that great advanta will result, is it not?—I think so.

3635. Do you think that if it were thou important to buy up a weir upon the Severn, any of its important tributaries, that there wo be any difficulty out of an income of 600 *l* year in raising the needful funds for that p pose?—The difficulty would be this, that it i variable income and not a permanent income.

3636. But it is an income which you ho very materially to increase, is it not?—C tainly.

3637. Of course, if money were required the purpose of purchasing dams, the result wou be to bring about a state of things that wou lead to an increase of the license duties, would not?—We should hope so.

3638. It would be done with that object, at events?—Yes.

3639. Did you state, in answer to a questi put to you by one of the honourable Membe that more fish were produced by artificial pro gation than by natural propagation, as I und stood you?—No; I said I did not think so.

3640. Mr. *Knatchbull-Hugessen.*] I understo your meaning to be, with regard to the exerci of compulsory powers, that that application shou depend on the relative value to the public of t fishery and the mill?—Certainly.

3641. When you said, in answer to a form question of mine, that it was desirable to increa the value of the fisheries before applying t compulsory powers, you meant, did you not, th it was desirable to adopt measures for providi good fish passes and other minor measures, su as might tend to increase the value of the fis eries in a manner not objected to by the owne of mill property, before you proceeded to mo extreme and, in some sense, objectionable powe of compulsion?—Yes. Take a bill like what w offered last year. After you had carried tha you might come and ask for more, because yo could show that it was necessary.

3642. *Chairman.*] Have you any further sug gestions to offer to the Committee?—I thin not.

Captain ROBERT CHARLES WHYTE, R.N., called in; and Examined.

3643. Mr. *Knight.*] YOU are a Captain in the yal Navy, are you not?—Yes, I am.

3644. I believe you were appointed by the evonshire County Quarter Sessions in the ar 1862, in conjunction with other honourable ntlemen, as conservators of the Taw and rridge?—Yes.

3645. Those other gentlemen resigned in the ar 1865, did they not?—Yes.

3646. You were, I believe, for one year sole nservator of those rivers?—Yes.

3647. And at your application a district was rmed and a fishery board appointed, was there t?—Yes.

3648. That was in the year 1866 I believe?—was.

3649. You have had from the beginning the ole superintendence and management of the ter-bailiffs from 1862 to last year, have you t?—Yes.

3650. But last year that power was handed er to the police, I believe?—Yes.

3651. You have been an acting conservator the two rivers and the estuary ever since the mmencement, have you not?—Yes.

3652. You are well acquainted with the Acts 1861 and 1865 I presume?—Yes.

3653. Are there several clauses in those Acts Parliament which you think defective?—es.

3654. I believe that the first clause which you ject to is Clause 13 of the Act of 1861, which "Penalty on company or person not erecting ating to prevent the descent of salmon into tificial streams"?—Yes.

3655. What alteration do you propose should made in that clause?—The failure of that ause is because it is under the control of two rties, namely, the inspectors and the board of nservators.

3656. Do you think that it ought to be under e control of the board of conservators?—think it ought, and I think that it should be perative on the inspectors to give the form and ze for the grating.

3657. That is not now to be obtained under e Act, is it?—No; there is an imperfect one the canal on the River Torridge, and I believe ch is the case in many other rivers, and there ing two people to do it, it falls to the ground.

3658. That the size of each grating must be in such a form and manner as may be allowed one of the inspectors;" those are the words in e Act of Parliament?—Exactly. The inspec-rs think that it is the millers' duty to apply to em, and the millers, of course, do not wish you ask them to spend money.

3659. If I rightly understand you, you think at boards of conservators ought to be able to der that?—I do, and to see that it is properly ne.

3660. I think the next clause that you take jection to is the 25th clause?—Yes.

3661. The marginal note of that clause is, Fish passes to be attached to future dams"; hat do you think is the imperfection in that ause?—I think that Clause 25 in the Act of 61 is also a failure in one of the most important ints, because it is under the control of two rties, namely, the Home Office and the Board of Conservators. What the Home Office carried out in Mr. Ffennell's time, they now refuse to do.

3662. The Home Office has changed its practice then?—Yes.

3663. What was the practice in Mr. Ffennell's time?—That if the terms of that clause were broken, it was in the power of the Home Office to prosecute the person for doing so, and then to make him put a pass on according to the instructions from the Home Office.

3664. Is that the practice now?—No.

3665. Do you know that the Home Office have refused to interfere under that clause?—We have had three or four instances under the Home Office, and they have all fallen to the ground except the canal weir on the Torridge; but at the time that the pass was put on the Torridge, Mr. Buckland assured me that they had had the advice of a Mr. Thring, and they were determined never to prosecute again.

3666. What alteration do you propose in Clause 25 to render it more effective?—I think that it ought to be under the board, the pass coming under Clause 23.

3667. Clause 23 is another which you think is not sufficiently stringent; I think it is the clause by which the proprietors, with the consent of the Home Office, may attach fish passes to existing dams?—Yes, that is a defect that ought to be amended; the boards of conservators should be given the same powers as the upper proprietors, and the words "by going over or round," should be inserted after "every dam."

3668. You think that the boards of conservators ought to have power, with the consent of the Home Office, to affix passes to every dam, by going over or round it?—I do.

3669. At their own expense, of course?—Of course.

3670. Then you think Clause 23 would be sufficient for the purpose, and would also carry Clause 25 with it; at least it would assist it materially, would it not?—Yes.

3671. Another clause to which you object is Clause 26, as to "supply of water to fish passes;" what do you think is defective in Clause 26?—Clause 26 in the Act of 1861 is defective, for the miller will take the head sluice away the moment you put a pass on to the weir, for two reasons, first, to save himself trouble, and secondly, to enable him to catch fish in the mill tail.

3672. What alteration do you propose should be made in Clause 26?—I think that the words "sluices, if any," should be left out, and the words "sluice at the head of the leat," put in.

3673. There is one other clause, namely, Clause 31, which you think is defective, that is with regard to "general superintendence of fisheries by the Home Office"?—Yes; Clause 31 is defective, because the duties of the inspectors are not properly defined.

3674. In what way would you propose to define those duties?—I should leave that to the upper authorities, so long as the duties were defined, so that the boards might know what the duties exactly are, in order to prevent mistakes.

3675–6. Then with regard to the Act of 1865, I believe you object to Clause 27, the marginal

Captain *R. C. Whyte*, R.N.

8 April 1870.

note of which is, "Enumeration of powers of board of conservators"?—Yes, and Section 5 of the Act of 1865 is also very indefinite, most people thinking that it does not give the board power to put on passes.

3677. If the board of conservators had the power of putting on passes by amending Clause 23 in the Act of 1861, then your objection would be removed in this case, I suppose?—Exactly; at present there is a great difference of opinion among boards of conservators, with regard to whether you can or cannot do it.

3678. With regard to a court of inquiry, what is your opinion about that; are you of opinion that a court should be appointed, or that the inspectors should be made into a court, or that there should be a board with more authority than the inspectors?—I also recommend that the vexatious clauses which render the salmon rivers of England so little productive, should be inquired into by an organised court appointed by the Government, to visit all the salmon fishery districts, taking the rivers or counties alphabetically, and not waiting for any application from the different boards of conservators, and after hearing all the objections in an open court, that court should make bye-laws accordingly. I beg to say that the powers asked for by Mr. Paterson, with the exception of the one just named, would meet the difficulty. I think further, that an engineer should be one of the court, and that they should have compulsory powers to purchase all fishing mill-dams and fishing weirs in fresh water, and all mill-dams which could be proved to be a nuisance.

3679. Have you any objections to leaving bye-laws to be suggested by boards of conservators?—Yes.

3680. You think that they ought to be made by the court?—Yes, I do.

3681. Without any suggestion from the boards of conservators?—Yes.

3682. Why do you think so?—There are many objections to leaving bye-laws to be suggested by boards of conservators to be confirmed by the Home Office; the very making the bye-laws might tend to bring the members into disrepute in their own neighbourhood, and that would deter them from doing so; boards of conservators might be packed for the occasion as follows: A. has a river frontage for several miles; he is a proprietor of weirs and fishing mill-dams, and he gives B., C., D., and E., who are conservators, leave to fish on his property, saying, at the same time, that he has not time to attend the board, but relies on them to look after his private rights.

3683. How are the inquiries conducted by the inspectors of the Home Office when they come down; are they conducted in open court?—The inspectors as yet have only come now and then, and they have generally come in a great hurry and they have gone back again in a great hurry.

3684. But they must have conducted inquiries when they came down, I suppose?—Very, very little. They have once or twice come down to the board and then gone away again.

3685. Now you have mentioned some vexatious circumstances, and the remedies for them; you say that the miller has the power of action against anyone who deprives his mill of water, but the public have no power of action against him if he takes more water into his leat than is wanted for his mill, and thus stops the fish pass?—As the law now stands the miller has a power of action against anyone who deprives his mill of wa and I think that the same power should be gi to the public against the miller if he takes m water into his mill-leat than is required for mill, and he would then regulate his supply his head instead of his tail-sluice, and there wo be water enough by that arrangement for miller and the fish, because the mill would ge rally only work by day, and the fish run at ni

3686. Then, how do you propose to give free pass for the fish up and down all rivers That an efficient pass should be put in all we or around them, like the Act in the State Massachusetts.

3687. Are there not efficient passes in rivers of the Taw and Torridge over mill-wei —We have one in a fishing mill-dam and one by Lord Fortescue on the Mole; that is all have got on the Taw.

3688. And those are good passes, are they Yes; there is one of the V passes, put by Buckland, on the Torridge Canal Weir, wh is admirable.

3689. Are there any fishing mill-dams with passes?—We have no fishing mill-dams with passes.

3690. Do you object to netting fish in fr waters?—I object to killing fish in fresh wat otherwise than by rod and line. I would furth propose that all fishing mill-dams and fishi weirs should be bought up by the court, and th they should become a yearly charge on the bo of conservators until paid off. If their pro value were taken (which might be estimated the last five years' remuneration), it would n be a large sum, for since the Act of 1861 enforced the close time, their profits are very sm in comparison to former years.

3691. Then what is your opinion about t mesh of the net, and the close time in tid waters?—My opinion is, that in tidal waters the should be but one mesh and one close time for fishing purposes.

3692. That is to say, in tidal waters, and t rivers that flow into them?—Yes, I would ha no netting in fresh waters whatever.

3693. *Chairman.*] You would confine it to th limits of the tidal flow?—Yes.

3694. Mr. *Knight.*] What mesh of net is us at present in the tidal water of the Taw and To ridge district?—A two-inch mesh for salmon, a a smaller mesh, which sometimes is very ve small, for all other fish.

3695. Are they used during the spawning tim of the sea fish?—They use them all the ye round.

3696. And you think, do you not, that th should be stopped, and that there should be close time for the estuaries?—Yes, I think th all net fishing should be stopped at the clos time.

3697. Is there a great destruction of the se fish in the estuaries; are there not much fewe than there were formerly?—They have ruined i all. The small mesh net is fished during th whole of the winter, while the sole, whiting, an cod are spawning, and those are in hopes of catch ing salmon. I beg to say that I have here in my hand a return for three years. I took for thre winters a minute account every morning of th number of boats, and the weight of fish that they caught for the three years, and the worth of th salmon which they caught in one year; it is pu in an admirable paper called "Land and Water." I ha

had it calculated, and I will put it in. (Vide *ppendix.*)

3698. Are there many salmon caught in the tuaries of the Taw and Torridge by the fisher-en who go under the pretence of fishing for ner fish?—I am sure that there are.

3699. That is to say, out of season?—Yes, ey go under the excuse of catching other fish.

3700. You propose that there should be a ating at the head of every leat, that is to say, every mill or irrigating leat?—All mill or igating leats should, in my opinion, have a ecified kind of grating at the head of the leat, d the grating ought to be made, I think, of r or iron with horizontal bars to slide up and wn, and fasten with wedges; the advantage of s is, that they can be cleaned by hand, and ey could be put down on the 15th of Decem-r, and taken up on the 1st of June.

3701. Have you a pattern of that grating?—s; there (*showing a model*) is a pattern of a ating that has been seven years at the head of the ightley Leat, on the top; it is three-quarters of inch from bar to bar, and it has never done y harm to the mill (*producing a drawing*). ie gratings are diagonal, the inclination falling wnwards from the up stream side.

3702. That you say, if I understand you ghtly, should be put at the head of the leat ring one part of the year, and at the bottom the leat during another part of the year?—At e head of the leat from the 15th of December the 1st of June, and at the bottom of the leat m the 1st of June to the 1st of November.

3703. That is when the salmon are running , and when they are running down the stream? Yes, in the summer the fish running up, more pecially the white trout, all go up the tail race the mill, and in September and October when ts and the fishing mill dams keep the close ne, many of them make more money by the h which they catch in the mill tail than they y rent for their mill.

3704. What is the width between the two lls of that grating?—The width between the o walls is 21 feet 6 inches. Each grating is of breadth of five feet; the post is three inches oad and four and a-half inches wide; the bars e four feet eight inches wide, and grooved-in inch; the distance between each bar is three-uarters of an inch.

3705. What objection have you to an upright n bar?—Because it is easy for the miller, with s crowbar, to give it a jerk, and then a 20lb. lmon will go through.

3706. You know that that grating will not in-fere with the mill?—That has been at Bright-y Mill now for seven years; in fact, this is the ghth year, and there has been no inconvenience m it.

3707. It is easily cleaned, and does not re-uire much cleaning?—I think it cleans itself. hen the 1st of June comes, it is taken up and is full of rubble that has come down; the sun ys the rubble, and prevents the grating from arping, and then in the winter time a man eans it out with his hand.

3708. Now, what is your opinion about the ose time; do you think there should be any teration in the close time?—The only altera-on, I think, that should be made in the close me is, that all rivers under 100 miles long ould not be allowed to put a net in the water ntil the 15th of April, and that no rod and line fishing should be allowed until the 15th of March.

3709. Do you imagine that the fish begin to deteriorate in all waters at the same time?—Certainly; in the month of August they begin to deteriorate; I have seen some in July. I would wish to say a word about September. I consider that a uniform close time, that is to say, to finish uniformly, is like what the tire is to the wheel or what the mortar is to the wall, it consolidates the Act, and, if you once separate them, the whole of the legislation will fall to the ground.

3710. It has been proposed to lengthen the close time in those rivers to the west, has it not?—Yes, it has.

3711. Are you aware that in the Lynn no fish can get in till September at all?—Yes, I am perfectly well aware of that.

3712. That is because no rain comes, is it not?—Yes, because there is no rain; but if the rain came they would go up.

3713. Do you know the state of the fish at the end of October, whether they are good or bad, or deteriorating in the Lynn?—I should imagine that in all rivers they are the same, as far as the deteriorating of the fish is concerned.

3714. Have you anything to recommend about the construction of fish passes?—I have a model here which I brought on purpose to show the Committee, in my opinion, how impossible it is that a notch cut in a weir could in any way interfere with the mill. There is the V pass and the pass that I recommend for going round (*explaining the model to the Committee*). That pass is one foot deep on a six-feet weir. I passed the Brightley Mill lately, when the water was very low, the grating was down and the mill going, and there was nearly a foot of water running over the waste weir, with those gratings, say, from six inches to a foot.

3715. Where is the pass in the Brightley Mill?—There is no pass there; it is a mill dam, rather a low weir.

3716. *Chairman.*] This is not a fishing mill dam, but a mere mill dam?—Just so; this is not the model of any particular mill. You would not know that this was not Brightley Mill, not because it is not very like it, but then Brightley Mill is a great deal broader.

3717. I suppose in every salmon river you would compel the miller to allow all the surplus water to flow over the dam?—Certainly.

3718. You would not allow him to draw it out in one place and waste it in another?—No, the head sluices should be permanent; in September, October, and November he kills all the fish at the head of the tail leet.

3719. The miller opens the sluice for a time, the fish come round, and then he shuts it out?—Yes, he digs a little pool of water and the fish are left high and dry; in fact, all our mill-dams on the Taw and Torridge are fishing mill-dams without a license, because they have no tail grating.

3720. A tail grating at the foot of the tail-race would answer the purpose, would it not?—Yes, if you put it down the 1st of June it cannot hurt, and take it up the 1st of November when the leaves begin to fall. It was said by the last witness that in November it would choke up the grating; that is true enough, but I would take it up on the 1st of November when the leaves begin to fall.

Captain *R. C. Whyte*, R.N.

8 April 1870.

Captain *R.C. Whyte*, R.N.

8 April 1870.

3721. Mr. *Whitwell.*] What is the object of the hatch?—That is another cheap pass that I can recommend when the notch in the dam will not do; that is to say, a pass in the side of the race.

3722. Mr. *Knight.*] You recommend that a fish pass should be placed in the side of the race?—Yes.

3723. Mr. *Hambro.*] That is a fish-hatch?—Yes.

3724. Colonel *Amcotts.*] That is supposing there would be no notch?—Yes; we have a mill on the Ockmant River which keeps 25 miles of spawning ground away; it never had a fish up yet; it is a weir of about 10 feet high, but built on a bed of granite that comes six feet out there (*pointing to the model*); you might spend 200 *l.* on that pass, but it is no good.

3725. *Chairman.*] What is the value of that mill?—From 40 *l.* to 50 *l.* a-year. I have done everything to try to get the agent for the milleress and the trustees to allow me to put this hatch down, but nothing can move them. The poaching carried on there is very great. I have seen 90 fish jumping there. When I say there is poaching carried on there to a great extent, I mean poaching by the villagers.

3726. Mr. *Knight.*] You think, that by means of that notch in a mill-dam, you can have a sufficient pass without injuring the milling power?—I do. I cannot conceive how it can be damaged.

3727. Is there no clause in the Act of Parliament under which you can oblige that milleress to put a pass over her weir?—No.

3728. By that alteration do you propose to get a pass over that weir; that is to say, by an alteration of Clause 23 in the Act of 1861?—Yes, that would do it.

3729. By stating that the Board of Conservators, or any proprietor of a fishery, shall, with the consent of the Home Office, attach to every dam a fish-pass?—Yes.

3730. But the milleress has now the power of stopping the fish entirely at that place, has she not?—Yes.

3731. A large proportion of the fish in the Taw and Torridge are killed at the mills, are they not?—A great many.

3732. And a large proportion of the best rivers for breeding are shut out entirely?—A great deal on the Torridge and its tributaries, and about 20 miles on the Taw and its tributaries.

3733. What weir are you alluding to?—To Brushford weir on the Taw, and the South Molton weir on the Mole.

3734. Would it not be easy to make fish passes on those weirs?—I have no doubt of it.

3735. Are they mill weirs?—Yes, they are.

3736. Might the principle of the notch in the weir be applied to those weirs?—No, I cannot say that. The Brushford weir is an upright weir like a horse-shoe, and I should try to go round it.

3737. How do you propose that the regulation of licenses should be managed; should it be managed as it is at present?—I think that it should be managed as at present.

3738. By boards of conservators?—By boards of conservators.

3739. Has there been a great increase of fish since 1862, in the Taw and Torridge?—Yes, in this way: the river was a winter river before, because the fishing mill-dams did not keep the close time; whereas now it is a summer river, and the fish are caught in the tidal waters a great amount.

3740. Is there a larger amount of fish cau in the tidal waters than there is in the river nc —Very much more.

3741. And a very much larger quantity of than was caught formerly, before the Acts Parliament were passed?—Yes; formerly t never caught any fish before September in tidal waters.

3742. They were not fishing from Janu to January?—Yes; they were fishing fr January to January, and the fish had but month to spawn. It was only when the Chr mas floods came that the fish could get over weir.

3743. Mr. *Lowther.*] You said that they fish from January to January?—They used to.

3744. Did they sell the fish?—Yes; th sold it.

3745. Were the fish eatable?—I should like to eat it.

3746. But at all events the fish was saleabl —I believe they used to sell it; in fact, I kn that they did sell it.

3747. As I understand you, you are in favo of an organised court, appointed by the Gover ment, to visit all salmon fishery districts, taki the rivers or counties alphabetically?—Yes.

3748. Do you think that that would be a co venient plan?—I said, that to prevent being waited for until boards of conservato asked them to come down, it should be their du to come down without being asked, and also write and say that they are coming down.

3749. As the matter stands at present, the have to wait until an application is made to the have they not?—Yes. Mr. Paterson's sugge tion was, that when boards of conservators a plied for the court, they should go down; bu my feeling is, that it should be the duty of wha ever court was appointed to go round and vis rivers without being asked to come.

3750. And you propose that the court so con stituted should have compulsory powers to pur chase all fishing mill-dams and fishing weirs, d you not?—I do.

3751. You are not a millowner yourself in an way, I presume?—No.

3752. But if you were a millowner, you migh think that objectionable, might you not?—It i the fisheries, and not the milling power, that mean.

3753. You have spoken of the Torridge Cana fish-pass being so good a pass?—Yes, it is exactl like the one I have shown to the Committee; th V pass.

3754. Did you invent that?—No; Mr. Buck land had a share of it, and Mr. Pidgeon; they did it between them; I was there; it answer remarkably well.

3755. Colonel *Edwardes.*] Did I understand you correctly to say that you would very much like to see an entire stop put to all net fishing in fresh waters?—That is so.

3756. Have you much net fishing in fresh waters in your district?—None at all.

3757. But in other districts, I presume you know there is a great deal of net fishing in fresh waters?—No doubt; I made a proviso that the court should have the power in large rivers, such as the Tay, the Severn, and the Wye, to let them do it, but that no net fishing should take place in any river under 100 miles in length.

3758. But

3758. But take the case of smaller rivers. ere are other rivers in England and Wales of ch less extent than 100 miles, where a great l of net fishing is carried on, are there not?— s, and it is ruination to rivers.

3759. To what particular parties on rivers does t remark apply?—The fisheries are affected, l the owners of land by the side of the river also affected.

3760. Then you naturally consider that the ners of land on the side of rivers, or the upper arian owners, have interests so paramount that interests of all fishermen must give way to them?—Not at all. It would increase the mber of fish wonderfully, and it would increase value of the fisheries by the side of the water, the rod and line fishing would be so much more luable than the net fishing.

3761. But you have stopped the net fishing, d, consequently, by so doing you take away m the riparian owner the power of letting the t fishing, do you not?—Because the rod fishing uld be so much more valuable.

3762. In fact, you consider the rod fishing the sole and entire interest that has to be con- lered in future legislation?—Yes, for fresh ters, except in large rivers.

3763. But even in small rivers net fishing is, a certain amount, valuable, is it not?—It is ination to rivers.

3764. But it supplies the market with a large ount of food, does it not?—It is eating the ose for the sake of the golden eggs.

3765. But suppose the net fishing entirely pped, could rod fishing, in your opinion, pro- de the same amount of food for the market?—I lieve it would provide more.

3766. In the hands of very expert fishermen I ppose it would. But, at all events, this sugges- on of yours of stopping the net fishing would ve these two results: in the first place it would tirely take away from the riparian owners the wer of making whatever they consider they are titled to by letting their fishery, and also it uld take away that means of livelihood from ose men who hire such fishing, would it not?— would, in my opinion, greatly enhance the lue of the fisheries to the riparian owners, and would also increase the number of fish that were ought to market.

3767. But that is not quite an answer to my estion. My question was, would it not prevent e riparian owner from deriving a certain income hich he at present derives from letting his hery, and would it not also take away that eans of livelihood from those people who now re that fishery, and enjoy profits from them?— o, certainly not; it merely turns it, according my suggestion, from net fishing to rod fishing.

3768. You consider that there would be quite many applications for rod fishing as for net hing; in other words, you think that there uld be so many applications for licenses for rod hing that it would amount to the same sum at is now paid for net fishing?—Yes, I believe at in three years it would treble and quadruple

3769. I understood you to say, that you be- ved that fish began to deteriorate in all fresh vers at one and the same time?—Yes.

3770. I conclude by that you only refer to fish at have been some time in the water?—I cer- inly did not mean fish out of water.

3771. In the fresh water is what I meant?—No, not at all.

3772. You apply that remark to all salmon, then?—Yes, to all salmon the same; some begin sooner than others, but they all begin to deteriorate. The November fish begin to deteriorate before the December fish, and the December fish begin to deteriorate before the January fish.

3773. But although there may be this number of fish in the water that have gone off, is it not the fact that if a spate comes down a good many fresh fish come up from the sea?—The fresh comes down and all that are in the estuary will go up; they will not come down again until the spawning is over.

3774. Most of those that have gone off (and got red and black, as we all know) will go down with the spate, will they not?—Not until they have spawned again.

3775. A fish never goes down when he has once gone up, does he?—Never beyond the tidal water.

3776. He never returns?—Never.

3777. But still, though there are those bad fish in the river, you say that a certain number come with the spate, but if you closed all the rivers at the same time you would shut off the power of catching those fish that are just coming in fresh and are in perfectly good and beautiful condition, do you not?—I never saw them after September.

3778. You consider that they do not come up fresh; have you ever seen some of such fresh fish taken in the Tweed?—No, I never have seen or heard anything of them.

3779. There are most beautiful fresh fish caught in the Tweed in November, are you aware of that?—A beautiful fresh fish means a fish that has come in from the sea, but whether it has deteriorated or not, is another question; I do not believe that any fish in the Tweed that is caught after the 15th of September, has not deteriorated; let them open him, and they will find his inside quite white, and his spawn greatly increasing.

3780. The honourable Member next to me, asked you some questions with regard to compulsory powers, and I understood you to say that you are greatly in favour of those compulsory powers being granted for the purchase of weirs?—I am.

3781. Where will you get your money from for the purchase of those weirs?—What I recommend is this: that when the court that I suggested is appointed by the Government to go round and make bye-laws, the whole of the money collected from the different forms of licenses shall be placed under that court to buy up the fishing dams, and to put passes on until a certificate is granted to the boards.

3782. The whole of the funds are to be applied for those purposes?—Yes.

3783. How are you to pay your water bailiffs?—You ought to have to apply to the court, and if they granted you any money for the payment of water bailiffs until they gave a certificate, well and good; but the passes are the chief things.

3784. The passes are more important you think, than any water bailiffs being employed for watching purposes?—Much more important.

3785. But if those passes (great good as they do) are not properly watched, do they not afford immense facilities for poaching; is it not the easiest thing in the world to take salmon out of a pass?—You must build a house before you live

Captain *R. C. Whyte*, R.N.

8 April 1870

in it, and by the same rule you must make way for the salmon to go up, and then protect him afterwards.

3786. But you would leave it entirely unprotected all the time, would you not?—No.

3787. Then how would you protect him?—You must do the best you can; you might have 400 *l.* or 300 *l.* expended, with another 100 *l.* left, and you must do as you can.

3788. You would leave a certain small margin to pay the expenses of your watchers, would you not?—I would give people credit for common sense; but passes are the first thing.

3789. What is your impression with regard to the power of entering on private property as to the water bailiffs?—Wherever a river put the water bailiffs under the police, then I think the police ought to be allowed to go upon private land.

3790. Wherever and whenever they chose?—Wherever and whenever they chose, when it is put under the police. Our river is put under the police, and in Northumberland it is under the police.

3791. Would you allow that without any limit, or would you extend the rule of 24 hours which is the practice now?—What I mean is, that they should go up and down the whole of the river, if it is put under the police, just as they liked.

3792. In fact, that they should be a patrol to go wherever they liked on the river?—Yes, precisely; ours was done by writing to the different landed proprietors who gave us leave.

3793. Mr. *Hambro.*] Are you a practical rod fisherman yourself?—Not much; I have not had time for the last seven years; I have worked so hard at the river that I have given up my pleasure.

3794. And you have done all this hard work just for the sake of the salmon?—I was asked first of all by the gentlemen in the county to do it, and they sent me money for four years to look after the estuary before I was first of all appointed conservator.

3795. Which money I suppose you expended in water bailiffs to look after the estuary?—Yes.

3796. You say that in Mr. Ffennell's time the Home Office prosecuted somebody; could you name any case where they prosecuted any one?—Yes; there was the case of the Queen *v.* Ward.

3797. That was the case of a miller, was it not, being prosecuted?—Yes, for raising his dam two feet.

3798. What authority have you for saying that Mr. Buckland said the Home Office would not prosecute anybody on account of something Mr. Thring said?—Mr. Buckland told me so.

3799. Not in writing, I suppose?—No.

3800. In casual conversation?—Yes; there are so many different opinions about that.

3801. My impression is that he made that remark in casual conversation, and not as the organ of the Home Office?—He was on duty when he informed me; he did it in a friendly way in order to tell me what their opinion was now at the Home Office; it clearly showed that the opinion was once so-and-so, and now it is different.

3802. Is it likely that you should have thought that Mr. Buckland, who had no power to take action in the matter, would have given you an authoritative opinion on the subject?—Mr. Buckland was the person to advise the Home Of whether they should prosecute or not.

3803. You have got a board of conserva in your district now, have you not?—Yes.

3804. But how many are there?—There w four gentlemen appointed yesterday, and I th there must be now about 19 conservators.

3805. Do you generally attend the meeti of the board yourself?—I have never missed three.

3806. Do you not think, if the counties w taken alphabetically, it would necessitate Commissioners going from Cornwall to Cumb land, and then down to Devonshire and then to Durham again, which would add considera to the expense of the Commission?—Any bet organised scheme would do just as well.

3807. Did you think that that was the b plan?—Yes, I did.

3808. But do you still think that that is t best plan?—Yes, I do.

3809. That they should go from Cornwall Cumberland, then down to Devonshire, a when they came to Devonshire, which is *D* and that then they should go up to Durham, b cause that is *Du.*?—They might do it by t rivers.

3810. You said that Mr. Buckland and M Walpole generally came down in a hurry, a went away in a hurry; do you apply that rema to both of them?—Yes.

3811. Do you mean that they were general in an excited state, or that they came down express train and went away by express train?—They came down in the morning and we away.

3812. Did not Mr. Walpole and Mr. Bucklan stay there four days with you?—They have n done so within my memory.

3813. Did not Mr. Buckland spend the who of a day working away at a weir on your river?—Neither Mr. Buckland nor Mr. Walpole h ever been over our rivers yet; they have been them.

3814. What do you call "being over yo rivers"?—The upper part of the Torridge h never been seen by them.

3815. Perhaps there is no occasion for the being seen?—Great occasion.

3816. What is the average rental of the mil you spoke of?—I should say, certainly, not ov 30 *l.*

3817. Why do you fix on 100 miles as th length of rivers in which you would allow ne fishing?—You must fix some length, and thought 100 miles would be about the figure.

3818. Do you know how many rivers there ar in England 100 miles in length, and how man not 100 miles in length?—No.

3819. It was just said as a casual figure tha you gave it?—I did not like to name particula rivers, and therefore I said 100 miles.

3820. You think that 100 miles is the bes length, do you?—Yes, I think so.

3821. Mr. *Liddell.*] Would you extend you prohibition to netting in fresh waters to lakes?—I would if the river was under 100 miles long.

3822. But cannot you conceive, and do not you know, that there are lakes connected with the sea, but with very short rivers indeed, int which vast quantities of salmon go, and in which the salmon would be utterly unavailable for any purpose if such a law as you describe ruled?—I never

never heard of a short river having a lake, but I may be wrong.

3823. *Chairman.*] You have never heard of the Derwent, in Cumberland, that flows out of Derwentwater and through another large lake?—I know nothing of rivers except my own river and what I have read of them.

3824. Mr. *Liddell.*] But supposing that such things do exist, would it not be rather an absurd law to pass, to prohibit taking an article of public value like the salmon, for a fancied object of increasing the preservation?—I do not think that they are allowed to catch them in Canada in the fresh waters, nor in the State of Maine, nor in Massachusetts.

3825. Who are the people to whom you would trust for the preservation of the salmon in the spawning time?—To the boards of conservators.

3826. But would you not particularly name the upper proprietors of a river?—The upper proprietors of a river can do great good, no doubt.

3827. And on the other hand, can they not do a great deal of harm?—Yes, no doubt they can.

3828. If you prohibit the upper proprietors from obtaining a fair share of the fish, do you expect they will join cordially with you in the preservation of the river?—Certainly not.

3829. If you deter the upper proprietors from ever putting a net into their waters, might not whole seasons elapse when they would hardly ever get a fresh fish?—Certainly not.

3830. Why not?—Because you kill the very fish that ought to be left in the river to breed.

3831. That depends a good deal on the discretion of the man who uses the net, does it not?—If he lets them go back again, of course he might use the net.

3832. You propose to stop net fishing in fresh waters altogether, as I understand?—Yes.

3833. I ask you under those circumstances, whether there are not many proprietors who, if they had not the net fishing, would never get a fish?—Certainly not.

3834. Why do you say, certainly not?—Because if the fish were left alone this year they would breed, and where you had one fish before you would have 10 afterwards.

3835. But are there not certain rivers and certain portions of rivers especially, in which to trust to rod and line would be to trust to a broken reed?—I do not think so.

3836. Mr. *Knatchbull-Hugessen.*] With regard to the alphabetical question, I think what you meant was this, that the court you wished to create should not wait to be summoned by the different boards of conservators in different districts, but should without binding them to any particular plan, arrange a circuit for themselves?—Yes.

3837. You have studied salmon history and salmon laws very carefully, have you not?—Yes, I have very carefully.

3838. You have paid very great attention to the history and laws of salmon?—I have read, I believe, every book that was ever printed about it.

3839. Are you aware that the gentleman whose opinion you spoke of as being the opinion of "a Mr. Thring," is one of the greatest, if not the greatest, authority in the kingdom on salmon laws?—I do not know.

3840. You do not know that he drew both the Acts of 1861 and 1865, and that his opinion is very much regarded as an authority on salmon laws?—I always thought that Mr. Ffennell drew out those Acts of Parliament.

3841. You are strongly in favour of a uniform close time?—Yes.

3842. Is it the fact that your board of conservators are not fortunate enough to agree with you on that point?—There is a great division of opinion, no doubt.

3843. But is that division only great in this way, that the great majority of them are of a different opinion from yours?—It just depends on which side packs the best.

3844. Then it is not the case that the general opinion of boards of conservators and the owners of property in that district is very much in favour of varying the close time?—The public have sent a petition to the House of Commons to give them the month of September; there is one man who gets it all up; he is on one side and I am on the other.

3845. Are you aware of the petition presented by Sir Stafford Northcote?—Yes; that was got up by a brother conservator.

3846. That petition is signed by 500 of the principal inhabitants of North Devon; are you aware of that?—No; I have not seen the whole of the names, but I expect that that petition was signed more by factory men than by conservators.

3847. But it is the fact, is it not, that the board of conservators is very anxious that the close time should be altered?—Some are, and some are not.

3848. But have not you maintained your opinion there, and has your opinion ever been in the majority?—Very often.

3849. Upon that point?—Not lately on that point.

3850. Did not Mr. Walpole visit your district three years ago, and did he not inspect a number of weirs?—He has seen a few of the weirs in the middle part of the Taw and Mole, and some in the Torridge and the Ockmant.

3851. Is that the only visit which you have had from the inspectors?—No; Mr. Walpole has been down three or four times.

3852. You do not complain of any negligence on the part of the inspectors, if I understand you rightly?—Not at all; I was asked a question, and I gave an answer to it.

3853. I collect from your evidence that you think the duties of the inspectors are not sufficiently defined?—Yes.

3854. Do you think it is well, in Acts of Parliament, to define strictly the duties of offices of this particular nature?—Where you have got boards of conservators a long way from you, and another board in London, I think they should understand between them what exactly their different duties are.

3855. But do you not think that a general definition is the best means of doing that, and not a particular definition, as certain little things may crop up which the inspectors may be willing to attend to, but which they might by any rigorous and exclusive definition be prevented from attending to?—It is my opinion, that because it is not defined it prevents things being done that otherwise would be done. As honourable Members are aware, you cannot get boards of conservators always to agree with you.

3856. Are you satisfied with the constitution of boards of conservators as it at present exists?—I think the court of quarter sessions is the

Captain *R.C. Whyte.* R.N.
8 April 1870.

right way of doing it. I think there would be one better way, and that is a permanent board in London with inspectors.

3857. Do you think that the subject of salmon fisheries has now become so important that, instead of its being delegated to a small section of a department under the Home Office, it should be managed by a large department by itself?—I do.

3858. I think you stated that you would have bye-laws framed by a court appointed by the Government?—Yes, by a travelling court, if I may so term it.

3859. That you prefer to having those bye-laws framed by a local board subject to the sanction of a superior authority?—I do. There is one thing I might say on that point. and that is, I think an engineer ought to be one of the court.

3860. Do you recommend that as a court to try legal questions?—No, merely to make bye-laws, and to buy up fishing mill-dams, and whatever else is granted by Parliament.

3861. But would you combine judicial and administrative functions in one and the same court?—Yes, I would.

3862. *Chairman.*] There are only one or two questions which I wish to ask you. When you speak of taking powers to purchase all weirs and dams, I suppose you mean only such weirs and dams as it is necessary to purchase in order to secure the free passage of the fish?—Certainly.

3863. I suppose there are a vast number of mill-dams and weirs in the country which it would not be necessary to purchase?—Yes, I said that they should have the power to purchase any mill-dam that is a nuisance.

3864. And any mill-dams that cannot be effectually surmounted by means of ladders?—Yes, of course that would become a nuisance.

3865. You have stated that when you spoke of an alphabetical arrangement of the counties, you merely intended that the movements of the court should not be dependent upon the will of boards of conservators?—Exactly.

3866. Any arrangement that would secure the whole of the counties being visited in due course would answer your purpose?—Just so.

3867. You have spoken of a desire to have a permanent board with inspectors; I presume you would also have local boards as we have at present?—Yes.

3868. You did not intend to convey to the Committee, if I rightly understand you, that a permanent board in London, with inspectors, should supersede the local boards, such as we have under the present Act of Parliament?—I hardly think if you had inspectors (and by that I mean inspectors in different districts) that you would want both. I am afraid that they would get into collision.

3869. But there would be some controlling authority that would decide between them, I suppose?—Yes.

3870. Do you propose to hand over the whole of the salmon fishing interests of the kingdom to this board without any local board?—That is not the travelling court that I spoke of, but a permanent board in London, having the power to appoint inspectors in different parts, and so dividing the country into districts; I do not think you would then want local boards for particular districts.

3871. I think I understood you to say that you had not read the Petition presented to the Ho of Commons respecting the North Devon Sal Fisheries?—I have not seen the signatures, I have read the petition itself.

3872. The petitioners allege that the Taw Torridge are late rivers, do you agree with th in that opinion?—You must tell me, before I answer that question, what a late river mea that is a very fine definition.

3873. Do you consider that all rivers are eq with respect to the time during which salmon r in them?—Certainly not; in large rivers th come in January and February.

3874. They are early rivers?—In the shor rivers they come in March and April.

3875. You call them late rivers, do you no —The best way, in my opinion, is to say first a second class rivers.

3876. What would you call rivers that are r early; could you find a better word than la rivers]?—I call them first and second class rive

3877. First class means early, I presume, b what would second class mean?—March a April.

3878. The petitioners further say, that the co dition of the fish taken by rod and line in Se tember and October bears out the statement th the Taw and Torridge are late rivers?—I den that point blank.

3879. You disagree with that statement?— Yes, I do.

3880. The petitioners further state that no in jury would be done if permission were given t catch and sell salmon during the month of Sep tember?—I perfectly disagree with that, and say further, that it would ruin the river.

3881. Then you think that if the prayer of th petitioners, that The House would legalise the sal of salmon on the Taw and Torridge during th month of September, were granted, it would b injurious?—Very much so, I should think.

3882. Was that petition brought under the consideration of your board?—No.

3883. You did not join in that petition?— No.

3884. Mr. *Knight.*] When you speak of the fresh-run fish late in the autumn not being good, do you mean that you think the fish deteriorate in the sea before they run up?—Certainly.

3885. When you speak of a great increase of fish to be produced in a river if the whole of the netting in fresh waters were taken away, do you mean that there would be a great increase among the fish caught in the river itself only, or in the river and the estuaries?—In rivers and estuaries.

3886. You think that that would increase the number of fish that would be netted in the estuaries?—Yes, I think it would increase the number of fish in the estuaries and in rivers; and I think it would also greatly add to the value of the riparian owners' property.

3887. The petition of which we heard does not seem to have emanated from your Board at all?—No.

3888. Was that petition signed in the neighbourhood of Barnstaple?—Yes; in Bideford, Torrington, South Malton, and Barnstaple.

3889. Are you aware that the fish taken in the Lynn at the end of October are very inferior, and are not at all good in the flesh?—I have never seen them, but I cannot believe that they are good.

3890. Mr. *Lowther.*] With regard to late and early rivers, or first and second class rivers, do you

ou speak only of the Taw and Torridge, and do ou mean to say that the Taw and Torridge are ot late rivers; is that so?—I do not know what ou mean by "late rivers."

3891. I mean rivers that are commonly called ate rivers?—I never heard anyone bold enough o say what they meant by that.

3892. Is it not the fact that the fish come up arlier in some rivers than in others?—Yes, that s in January and February for large rivers.

3893. And then those fish that do not come p in those months, when do they come up?—In larch and April.

3894. Your experience is chiefly confined to he Taw and Torridge, is it not?—Yes.

3895. Now, with regard to the net fishing being one away with, as I understand you to propose; ou say that, if the net fishing was done away with, the fish would become so numerous in the rivers that the people could obtain as good a livelihood from rod and line as they do now from nets?—Exactly.

Captain *R.C. Whyte*, R.N.

8 April 1870.

3896. But how long would it take, do you think, for the rivers to become so full of fish?—I think that you would see a great improvement in the third year.

3897. Could the netting be suspended once in four years, or could it be allowed once in four years, if the fish got so very numerous?—I never should allow it all; I know that was Mr. Ffennell's opinion on the subject. I was his pupil, and he taught me; I have never found Mr. Ffennell to tell me wrong; that is to say, I have never found him tell me anything which was not true in practice.

Tuesday, 12th April 1870.

MEMBERS PRESENT:

Mr. Assheton.	Mr. Liddell.
Mr. Dodds.	Mr. William Lowther.
Colonel Edwardes.	Mr. Pease.
Mr. Hambro.	Mr. Whitwell.

JOSEPH DODDS, Esq., IN THE CHAIR.

Mr. Elliott Collyns Walkey, called in; and Examined.

Mr. *E. C. Walkey.*

12 April 1870.

3898. *Chairman.*] Where do you reside?—I reside at Ide, in the County of Devon, near Exeter.

3899. I think you have an Exe salmon fishery board, have you not?—Yes, we have.

3900. Are you a member of that board?—Yes.

3901. Are you the chairman?—No, I am vice-chairman.

3902. What is the length of the River Exe?—About 50 miles.

3903. Have you a very considerable quantity of spawning ground in that river?—Very good spawning ground indeed; it rises on Exmoor, and near the moor it divides itself into three parts, two of 20 miles in length, and all of them excellent spawning ground, and there are other tributaries.

3904. Is there a good volume of water in that river?—Yes; none of these west of England streams have so good a volume of water, on the whole, as that river.

3905. Is it tolerably productive now as a salmon river?—Certainly not; it was formerly a very productive salmon river.

3906. Can you give the Committee any idea of the value of the salmon fishery of the Exe at the present time?—It is not more than 20*l.* a year, perhaps.

3907. What is the cause of the river being so unproductive?—There are a great number of weirs on the river, and we suffer very much from pollutions.

3908. What is the character of the pollution; is it from mines?—No, from paper works and gas works. I saw it stated in evidence, that pollutions do not kill salmon, but they are killed in the Exe; and in fact every kind of fish is killed there by pollutions. One of the tributaries has no fish in it of any kind for several miles.

3909. Do the weirs occasion very considerable detriment to the salmon fishing of the river?—Very great detriment indeed. Even in high floods the fish cannot ascend with facility.

3910. Have you done anything in the way of constructing fish passes?—We have, so far as possible with our limited means; we have put up fish ladders, but they have not been very successful.

3911. To what do you attribute their failure?—First of all we had not a good model; though Mr. Buckland was kind enough to assist us, his models have not answered the purpose; in fact we have wasted a good deal of our money without any beneficial results.

3912. Do you propose to effect improvemen in the character of the passes that have be made?—It is utterly useless to attempt to effe improvements in the character of the passe with salmon ladders; if we had the power of e tering on weirs and of building in them pass or of making a notch, we might perhaps do goo and, I have no doubt, if we had funds we shou be able to make the Exe a productive river agai

3913. Have you any idea of the extent which you think it might be improved?—I ha very little idea of the extent to which it mig be improved; but it perhaps might be improve to the extent of from 500*l.* to 1,000*l.* a year.

3914. Would that involve any very considerab expenditure?—I do not think that it would in volve any very large expenditure.

3915. Would about 1,000*l.* do everything?—£.1,000 would go some way, I think.

3916. I presume that your board are not pa ticularly well satisfied with the operation of th existing Salmon Fishery Acts?—No; we fee that our case is hopeless; we cannot deal wit pollutions; and we cannot deal with weirs. Ou board will break up unless the law is altere and improved.

3917. What power do you propose should b conferred on your board with regard to dams? —It is a difficult question to give power t boards of conservators to interfere with dams; but I would suggest that the board should have the right of entering on dams, and where a fish pass cannot be made by the side of the dam (which in many cases it may be), to sink a pass in the dam.

3918. You think that power should be given to boards of conservators to overcome the dams in some way?—Decidedly.

3919. Either by entering on the adjoining lands and constructing artificial streams, or by making efficient fish-passes over the dams?—Yes, just so.

3920. Are there any cases where, in your opinion, it would be desirable that you should have compulsory powers to purchase dams for the purpose of removal?—I think it is desirable to have such powers; but in the Exe, I am afraid we should be able to do very little towards buying up the dams, as the mills are, generally speaking, valuable. But I think it is more important to have the power to build in fish passes than power to buy them up. I think that all weirs can be made passable without their being injured to any extent.

3921. Have

3921. Have you read the evidence given before this Committee last Session, on this subject?—Yes; I have read some little of it.

3922. Do you know the plan propounded to the Committee by Mr. Paterson and Professor Rankine of making a notch in weirs, and placing a fish pass in them?—Yes; I am aware of that plan.

3923. Would that plan, generally speaking, answer your purpose on the Exe?—To a great extent I think it would.

3924. And might that plan be carried out without injuring the milling power?—I think it might, supposing there is a valve at the head of the pass, which of course could be closed when the water became low, and was not flowing over the weir.

3925. I suppose you agree with every other witness who has been examined before this Committee, that at such times the fish, generally speaking, are not running up the stream?—Just so.

3926. And therefore the fish pass would be of no use if even there were water running through it?—That is so.

3927. The Committee have heard that the millers are apprehensive that their dams would be injured by cutting a notch, such as you refer to; is that your opinion?—I cannot see how they could be injured, if they had the power of using a valve, and closing it when the water became low, they could not possibly suffer; they might suffer provided the weir was not a strong weir. The weir might be damaged occasionally, but not often, I think; that is a subject as to which I would suggest before any fish pass is placed on the weir that a notice should be given to the owner of the mill of so many days, and if he objected, that he should have the right of appealing to the Board of Fishery Commissioners on the subject.

3928. And, of course, where any person is legally in possession of a dam, and his property is in any way interfered with, you would contemplate making him full compensation, I suppose?—Of course.

3929. Either, perhaps, under the provisions of the Lands Clauses Consolidation Act, or by reference to arbitration, without going to that expense?—Yes, I think so; I think it could be done by arbitration in many cases.

3930. Are you aware of the nature of the evidence given before this Committee a few days ago by Mr. Bateman and Mr. Roberts, the engineers?—I am.

3931. Do you know the manner in which they propose that dams should be surmounted by fish passes?—Yes, I am aware of that.

3932. Do you approve of those suggestions, so far as your experience enables you to form an opinion?—I do, certainly; I think there are very few weirs that will not bear the building in of passes, or the making of notches.

3933. You think that the alteration of weirs in that way, by constructing fish passes, would be more important to you than any power to purchase up weirs?—Certainly, that would be of more importance to the rivers generally, I think.

3934. You have no license duty on your river, have you?—We have a very small amount from net licenses; about 15 *l.* a year, perhaps.

3935. You have no means of raising money to construct fish passes, have you?—No, that is our difficulty.

3936. How would you overcome that, do you think?—I can see no way except by a grant made by the Government on the certificate of the Fishery Commissioners, certifying that without such grant the rivers cannot be improved; I see no other way of doing it.

3937. Have you at all contemplated the feasibility of having a rate levied on the riparian proprietors and the owners of fisheries?—Yes; but where a river is unproductive there is very little to rate.

3938. But where there is every prospect of making it, as you say this may be made, worth from 500 *l.* to 1,000 *l.* a year, would not the case be different?—Then, of course, after a time we should be able to raise money and repay the Government grant.

3939. The parties who would reap that benefit would be ready to provide the needful funds in some manner, I suppose?—If the fishery became valuable, the rate would be sufficient to meet the demand, probably.

3940. Have you on the Exe any weirs that are abandoned and not used?—Yes; we have one or two.

3941. Would it be of any advantage if those weirs were removed?—No; not any advantage; but in other rivers I know of cases where it would be a great advantage to remove them.

3942. In such cases might they be removed without any detriment whatever to the owners?—Certainly.

3943. Do you think that fishing should be permitted near dams?—Certainly not; not within a great many yards above and below the dams.

3944. For what distance above a dam would you preclude fishing?—Not within 50 yards above the dam, certainly.

3945. And for what distance below the dam would you preclude fishing?—That would depend on circumstances; it would depend on the size of the pool below.

3946. But have you a minimum in your mind?—I think a 50 yards' minimum both above and below the dam would answer the purpose.

3947. How would you regulate the distance below?—Suppose boards of conservators had the power of making bye-laws, I would have the distance regulated by a bye-law.

3948. Are there gratings at the head race of most of your mill leats upon the Exe?—I doubt if we have a single grating on the Exe; yes, I think there is one.

3949. Is it desirable that gratings should be placed at the head race?—Very desirable, because in the spring when the kelts are going down, and also the samlets go down the mill leat, they get into the fish traps, and are taken by the miller, and when they go up in June they are taken in the same way; they are taken in the mill race itself.

3950. You would propose to have gratings both at the head race and the tail race?—Yes; but the grating at the tail race need not be so close as the grating above the race.

3951. By whom do you contemplate these gratings being constructed; that is to say, at whose expense?—At the expense, I suppose, of the board of conservators; I do not think that you could call upon the proprietors to do it.

3952. The Committee have been informed that not unfrequently when wreck is coming down, leaves and so on, these gratings become very much obstructed, and the supply of water to the

Mr. *E. C. Walkey.*

12 April 1870.

mill is so much diminished as to injure the miller?—I think that the stuff might be removed occasionally, just as the miller does when the water is low; he goes up to see if the head of the leat is clear; it would give the man a little trouble, but it would cost him nothing.

3953. Do you contemplate that any additional expense should be thrown upon the miller?—No additional expense; it is merely a question of labour; the same servant who clears it in the summer when the water is low, could clear it in the autumn or winter when the gratings are down; but there is no reason why our water-bailiffs should not make that part of their duty.

3954. Do you think that fishing in mill leats should be entirely prohibited?—Entirely; and also in the overflows from mill leats; where you have a long mill leat, and perhaps a second weir, the fish cannot work up to that weir, and they are taken.

3955. Have you any fishing cruives on the Exe?—No, we have not; I would state, with regard to the mill leat or mill race, that I think it should be clearly defined where it commences, and where it ends.

3956. Is that necessary, do you think?—We have found it necessary in the Exe; we have difficulty with our mill leats.

3957. Under what circumstances?—Where there was a double weir; 200 or 300 yards below the weir, across the river, there was a waste weir, and the miller stated that the mill leat commenced at the second weir, and that he had the right of fishing above it.

3958. But you have had only one case of that kind?—But there are many other cases of that kind in other rivers.

3959. Do you think that the power conferred by the existing Acts of Parliament on water-bailiffs are sufficient?—No.

3960. What additional powers should they, in your opinion, be invested with?—Not, perhaps, in all months of the year traversing rivers, but they should have greater powers; there are certain months when they need not traverse the rivers, and perhaps the landowner would rather not have them.

3961. Would not additional powers be very objectionable to the landowner?—Not as a rule, I think.

3962. Do you think that any additional power of searching persons should be given to the water-bailiffs?—I rather object to any power of searching the person being given to them; but fishing bags and baskets should be searched.

3963. But if you saw, from the appearance of a man's coat, that he evidently had something concealed in his pocket, would you give the water-bailiff power to search him?—Under circumstances of suspicion I would give the bailiff the power of searching the person.

3964. I believe that your attention has been much directed to the subject of the annual close time?—Yes.

3965. Do you think that any change from the existing law might be made in that respect?—No, not on the whole; I would have a fixed time, and not a variable time.

3966. Do you think that the time fixed by law at present is as good as can be selected?—For small rivers I think that the close time might be extended for another fortnight, but only, say, for rivers under 70 miles in length, where the fish run late.

3967. Then you would make the close seaso a little later?—Yes; in that case I would mak the close season a little later. The fish in Augu begin to deteriorate, and in September they a not, as a rule, worth much.

3968. Would you extend that close season f rod fishing?—Yes; I would extend it for r fishing, in order to conciliate the upper pr prietors, on whose ground the fish spawn, b who get nothing for preserving the fish; I wou give them an extra month of rod fishing, that to say, I would extend the right of fishing for month.

3969. Do you mean a month beyond the tim specified by the existing law?—Yes, a mont beyond the time specified by the existing law.

3970. With regard to the weekly close time do you think that it requires extension?—Yes, think it should be extended.

3971. To what period would you propose t lengthen it?—To 60 hours certainly, in sma rivers; not in large rivers.

3972. Have you at all thought of the hou when it should commence, and when it shoul end?—It might commence at a certain hour o Friday, and end on Monday morning; say, a 9 o'clock on Friday night, and end on Monda morning.

3973. Have you any net fishing in the estuar of the Exe?—We have a good deal of net fishing it is a large estuary.

3974. Have you found, in your river, tha licenses for nets are transferred from hand t hand?—No, we have not.

3975. Do you think that power should b given to water-bailiffs and others, to search boat used by men who have licenses?—Certainly; i a large estuary, without such powers, you canno find out whether people using nets for herring and dabs, and so on, have evaded the law or not.

3976. Do you agree with other witnesses that we have had before us, that it would be desirable that boats should have a distinguishing mark like pilot boats?—Quite so.

3977. And do you think that there should be power to regulate the number and the manner of using nets, and so on?—I think that the number of nets should be limited in certain rivers to prevent over fishing.

3978. And the manner of using them prescribed?—Yes, and the manner of using them prescribed.

3979. Is the fishery in the tidal part of the Exe public or private?—It is public; and a great many nets are used for taking sea fish, and in taking the sea fish salmon are taken, unseasonable salmon, and young fish, too, for the mesh is so small.

3980. Do you propose to interfere with that at all?—I think that there should be one mesh for estuaries, perhaps an inch and a half mesh, and that all nets should be licensed.

3981. For every kind of fish?—For every kind of fish. At present it is unfair towards those who take out licenses, because as many fish are taken by fishermen without licenses as by those who have licenses.

3982. Have the Special Commissioners visited the Exe at all?—No, the Inspectors of Salmon Fisheries have visited the Exe.

3983. Have you ever applied to the Special Commissioners to visit you?—No, we have not; we thought of doing so, but did not.

3984. Are there dams and weirs on your river,

iver, with regard to which there is any question s to their legality?—Yes, certainly; there is ne weir not far from Exeter constructed by the ailway company, and the railway company have iven us money to make a pass.

3985. Are the railway company the pro-rietors of that dam?—They are. At least, I elieve so.

3986. Do you think it desirable that the Com-issioners should have additional power of in-uiring into the legality of dams and weirs?—ertainly; not only with regard to their legality, ut with regard to the weirs having been raised ithin a certain number of years, which I know o be the case in many rivers.

3987. Before the passing of the Act of 1861, nd within a comparatively recent period, I uppose?—Yes, within a recent period; some of hem since that time.

3988. You spoke of the power of making ye-laws; do you think that there should be ower for that purpose conferred on some tri-unal?—Yes, on a fishery board; but I would ot have it conferred on boards of conservators. would have a tribunal of some kind, which hould hold regular courts throughout the ountry, and the bye-laws should be submitted o that court.

3989. How do you propose to constitute that oard or court?—Suppose you have a certain umber of Commissioners, one of them should ertainly, in my opinion, be an engineer. They hould hold a central court in London, and make eriodical visitations, as the courts of assizes are ow held.

3990. You contemplate a tribunal which would upersede the Commissioners and inspectors?—o, not the Commissioners, but I confess I do ot see the use of the inspectors at present, at east, so far as my experience goes, but I would ave local inspectors.

3991. How would you have them appointed, nd with what powers?—It struck me that the ounty surveyor would be a very useful person s a local inspector; he should have the power o see that the weirs were fair, and of putting in ertain passes and notches, and the power, per-aps, of inspecting fish traps, which are very de-rimental to rivers; and he should have other owers that it might be useful for him to have.

3992. Do I understand you to say that the ribunal you would have would be a Government oard paid for out of the public purse?—At pre-ent, but if the fisheries become productive t might hereafter be paid out of a rate derived rom the fisheries.

3993. Do I rightly understand you to propose hat that board should supersede the Commis-ioners and the inspectors, or merely the in-pectors?—Only the inspectors. I think that he Special Commissioners, with perhaps an en-ineer, might form the court.

3994. But after the Commissioners have in-uired into the legality of such weirs as seriously bstruct the passage of the fish, would not their uty be at an end?—Questions might be always rising with regard to pollutions and other mat-ers; they might be made useful with regard to ollutions.

3995. Would that plan be better than referring uch questions to the Home Office or any other overnment department that might have charge f the fisheries?—I do not say that. I have not iven that matter sufficient consideration to warrant giving an opinion; I would leave that to the Government to arrange.

3996. That then is the tribunal to which you would remit the decision with regard to bye-laws?—Yes.

3997. The initiative would be taken by the local boards, would it not?—Certainly.

3998. Do you contemplate an inquiry in the locality before the decision by the court of which you have spoken?—I do.

3999. Have you any navigation weirs on the Exe; I mean weirs in connection with canals?—We have one.

4000. How should you contemplate passing fish over those; by means of an artificial channel by the side?—Yes, or by a pass; it is a very firm weir indeed. There is only one, and a burn could very easily be constructed there.

4001. Would you suggest that licenses should be required to be taken out by persons who sell salmon?—Yes, by all persons who sell salmon; that would prevent a good deal of poaching. I would suggest that people who hawk salmon, or have it in their possession in a boat, should be held to have taken them. With regard to eel traps or eel weirs which millers very often own, I think they should pay a small license also; those traps also take young salmon and kelts very often; in fact all kinds of fish.

4002. You propose that they should be licensed, because they do in fact take salmon?—They do take salmon sometimes; the license should be a small one, and I would have all fish traps registered. I think it should be the duty of the owner of a fish trap to register it with the clerk of the board.

4003. Does not a fish trap require a license under the existing law?—I am not certain; I think not.

4004. Surely it would be a fishing mill dam, if it was placed in a mill weir, would it not?—It is not placed in the mill weir very often; it is placed in the leat in general; it is above the wheel as a rule.

4005. But is not that a fixed engine for taking salmon?—We have not held it to be so. I would have all those eel traps which now take every kind of fish all the year round, used only in the autumn months when the eels are descending to sea.

4006. And when they would not be likely to catch salmon?—Certainly; I would have their use limited.

4007. Have you directed the attention of the Commissioners or the inspectors to the existence of those eel traps?—Their attention has been called to them; I myself, with Mr. Buckland, visited some of those mills.

4008. Was anything done with regard to them?—We had no power, we thought.

4009. Is there any other point which you wish to bring before the Committee?—It strikes me that the county police, without interfering with their ordinary duties, might be made very useful.

4010. Would you do that without paying them out of the funds of the Fishery Board?—The supernumeraries should be paid; but if a constable on his beat by the side of a river sees an offence committed against the salmon laws, it should be his duty to report that offence just as he would if he saw an offence committed against any other law, but hitherto it has not been done; it would not interfere with his other duties; there is another point with regard to which the

Mr. *E. C. Walkey.*

12 April 1870.

conservators feel very great difficulty, that is with regard to interfering with weirs; we are told that if you touch a weir, or even if you touch a stone, you will injure the weir; now suppose fish passes are built in, the conservators will not act unless they are indemnified in some way against the responsibility of having to rebuild the weir in case of damage.

4011. How do you propose to overcome that difficulty?—The only way would be, for an engineer or the Commissioners to say, you must not interfere with the weir unless it is certified by the Commissioner, or some one in authority, that no damage will be done to the weir by inserting a fish pass; I think also, that as to the water-gates, which are often inserted at the head of mill races, I mean sluices, the occupiers should be compelled to shut them when the water is not required.

4012. So as to have the effect of throwing all the water over the weir?—Yes; so that it should have the effect of throwing all the water over the weir. I think also there should be no fishing within so many yards of the tail of a mill race; when the water is low, as all the water is perhaps going down the race, and all the fish make towards that part, they are taken by poachers.

4013. You would make a little sanctuary there, where the fish might not be netted?—Yes; I would, say within 50 yards.

4014. You would give power to boards of conservators to make a bye-law on that subject, where circumstances required it?—I would; I think also that the water-bailiffs, or inspectors, should have the right of entry on private property, that is to say, mill property, where there are fish traps, in order to see that they are not taking salmon, or to see that they are not worked within improper months.

4015. You mean the power of searching without any search warrant?—Yes, the power of searching without any search warrant.

4016. Do you not think that the granting of such a power as that would be deemed very objectionable?—No, I think not; but I think that every water-bailiff on an occasion of that kind should be bound to show his badge, or produce his appointment; and supposing a month more were given to rod fishing, I would have no fish sold during that month.

4017. That is so at present, is it not?—Yes, and I should be very sorry to see it extended; but I know that the conservators in certain rivers are in favour of extending the time of sale; I am opposed to it myself.

4018. Mr. *Lowther.*] If I understand you rightly, you would restrict the time of the sale of fish, so that it should not be sold after the 1st of September?—That is my view.

4019. There are late rivers, are there not?—Yes.

4020. Some of them months later than others?—Small rivers are, generally speaking, late.

4021. Some rivers do not get any fish at all in the beginning of the season, I believe?—They get fish in the estuaries.

4022. But not higher up the river?—No; in small rivers there is very little netting above the estuaries.

4023. But there is fly fishing and rod fishing?—Yes, I would extend the rod fishing.

4024. But not the sale of the fish?—Not the sale of the fish; I would allow the proprietors a month's more fishing.

4025. You are in favour of making the net pay a license, are you not?—Yes.

4026. And not the people who hold the nets?—Just so; the nets should pay a license.

4027. As I understand it, a man can now take out a net and pay the license, and hand it to his friend?—Yes, I would stop that; I think that the people themselves should pay for a license personally.

4028. Do you think that the county surveyor would be likely to give a good opinion about weirs or dams?—Yes, he is, generally speaking, a man of some intelligence, and he is very often an engineer by profession, always perhaps; he has the care of bridges.

4029. I understand that you would treat salmon like game, in some respects?—With regard to the license, and as to the sale, and people having it in their possession.

4030. You would confine the power of the water-bailiffs to places where there is a fish trap, as I understand you?—No; I would give them power also of traversing the banks of rivers to protect the spawning ground.

4031. Would you allow them to go anywhere upon the river?—I think that it is necessary to do so within so many feet of the bank of a river.

4032. What distance would you name?—Twenty feet.

4033. Have you ever heard any complaints about the gratings at the bottom of a mill race throwing the water back and stopping the wheel?—I have not; I have had no experience of that kind, but I see no reason why it should do that. The gratings at the tail race are only to prevent salmon from ascending, they might be two inches apart, therefore very little stuff would collect; a small narrow grating would no doubt pond back the water, and catch the wreck and stuff coming down.

4034. Of how many conservators does your board consist?—It is a great number.

4035. About how many?—Perhaps about 20.

4036. Do many of these members attend your meetings?—Not now; when the board was first formed we had a very good attendance.

4037. Why do they not attend now?—Our river has not improved very much; and, in addition to that, the upper proprietors came to the conclusion that the salmon is rather a nuisance, for they destroy the trout, and they get no salmon in consequence of their ascending too late for rod fishing, but if an extension of a month was given for rod fishing I think they would be satisfied.

4038. Colonel *Edwardes.*] Have you any water-bailiff on your river now?—Not at this moment; we have no funds; but until this season we had one water-bailiff.

4039. Was he one of the police?—No, we could not pay a police constable; we should have had to pay 25 *s.* a week for a supernumerary policeman.

4040. I understood you to say that formerly the Exe used to be a very productive river?—Yes, formerly it was a very productive river.

4041. Is that mere matter of tradition?—No; within my time it was a much more productive river than it is at present; the pollutions have killed the fish.

4042. And the weirs have stopped them?—The weirs have stopped them.

4043. Some of those weirs are very old ones, are they not?—Yes.

4044. I suppose they must have existed in mer times when the river was productive?—s; but they have been raised from time to ie.

4045. They were not the same height then as y are now?—No.

4046. Mr. *Lowther.*] Are you a magistrate?—s.

4047. Have you many poachers on the Exe? A great number.

4048. Do you generally fine them?—We have ed them on several occasions.

4049. Have you ever sent them to prison?—t in any case.

4050. Would it be a good thing, do you think, send them to prison?—It would, no doubt, be good thing to send them to prison for night aching.

4051. The fines are readily paid, I suppose?—s; they club together to pay the fines.

4052. Do you not think that sending them to ison would be a better remedy?—For day aching it might be rather stretching a point, t for night poaching I am decidedly in favour it.

4053. Mr. *Whitwell.*] What do you refer to as louble weir?—Where you have a long mill ce, and have first of all a weir across the river ich turns the water down the race, and then ne little way down another weir over which waste water, when there is too much water the mill race, goes off.

4054. That is a waste weir?—Yes; a waste eir; I know from experience that the fish run the course, which takes away the overflow.

4055. Those waste races are absolutely neces-ry for working the mill, are they not?—I ink they are sometimes.

4056. Did I understand you to say there was weir belonging to the railway company which illegal, near Exeter?—It is using a strong ord to say that it is illegal; but the weir has en rebuilt and remodelled almost from year to ar, so that I should say that it is illegal, but e railway company afford us every facility; would not undertake to say positively that it is egal.

4057. Mr. *Assheton.*] What is your reason for ishing to render fishing above the weir illegal?—Because when the fish ascend the weir, if the ater is tolerably deep above, they stay there and st; I know, as a matter of fact, that fish are ken now on the Exe in that way.

4058. You do not think that a person who has e right of fishing thereabouts has as much ght to catch salmon as any one else?—Certainly has.

4059. You would, of course, deprive him of s fishing below the weir?—Yes.

4060. And also his fishing above the weir?—es; fishing above the weir is as destructive as shing below the weir; I think it is the more estructive of the two, and for this reason, as the sh get over the weir, they drop into the deep ater, and they very often drop down the mill ace for a time.

4061. Did I understand you to say, that a good any salmon were caught in your estuary by shermen without a license?—Certainly.

4062. How are they caught?—By small fish ets; nets used for taking all kinds of fish dabs nd fish that live in estuaries.

4063. Why do you not prosecute them under he Act of 1865?—Because we cannot detect them; if we had a strong force of water-bailiffs we might do so, but even then there would be a difficulty. We have 10 miles of estuary, and without they are always on the look-out it is no service to us. The county police might do it, but even then it is a difficult matter; I would suggest that they should all pay a license. The sea fish come into the estuary to spawn, and the meshes of the nets are so small that they take the young sea fish, and do great mischief to the fisheries at large.

4064. Do you think that the remedy for that is fresh legislation, or would you propose to give your board, in some way or other, more money?—I think there should be fresh legislation with regard to the mesh of the net.

4065. But, as I understand you, those fish are caught in an illegal manner, and you are impotent to stop that capture through want of means to pay water-bailiffs?—Yes, to a certain extent.

4066. Then, under those circumstances, do you think that an alteration in the mesh of the net would do you any good, if you could not enforce the law?—I would have every net licensed, and I would make the mesh an inch and a half for every net.

4067. But would it not be as easy for a man to fish with an unlicensed net as it is now for him to fish with an illegal mesh, without your being able to find him out?—My view is to license every net in the estuary, and so increase our income.

4068. Would that enable your own water-bailiff to look over 10 miles of the river any better than you do now?—It would be a check; we should get an income. All the people taking salmon would have the right to take them, and we should require no water-bailiffs.

4069. Did you suggest a scheme for no longer employing the inspectors?—I do not say that they should not be employed; but I have not myself seen any practical good come from their employment.

4070. Did I understand you to suggest local inspectors?—I think with regard to the inspectors living in town, there is a great waste of time and expense in the running down into Yorkshire one week and Cornwall another week, and if we had local inspectors there would not be that waste of time and waste of money.

4071. Do you propose having as many inspectors as there are fishery boards?—Certainly not; we have in Devon perhaps seven or eight boards, it being a large county with a great many rivers, and I would have one inspector for the whole county, or perhaps one inspector for two counties; but at all events I would have one inspector for Devon, and I would pay him when he was sent for, so much a day, and travelling expenses so much a mile, in the usual way, just as cattle inspectors are paid at the present time under the Cattle Diseases Act.

4072. But the cattle inspectors have other business to do when they are not employed by the authorities, who have to carry out the Cattle Act; but what do you propose that the inspectors should do when they are not inspecting your rivers?—My idea is, that the county surveyor, who has the care of the bridges, should be the man for that business. He does the county work in general, and he is a man who receives a salary; he would be very glad to do the work on receipt of so much per day.

Mr. *E. C. Walkey.*

12 April 1870.

4073. Do you find that your county surveyors have a knowledge of salmon?—They ought to have a knowledge of engineering.

4074. You think that a knowledge of engineering would enable them to be salmon fishery inspectors?—It would enable them to see that the passes were properly constructed.

4075. Do you think that that is the only duty of a fishery inspector?—In the Exe, when we have seen the fishery inspectors, they have examined the weirs; I do not know what they have done besides. They may have been very useful elsewhere, but I speak from my own experience.

4076. Mr. *Liddell.*] You have told us that the fish passes constructed on your river are unsuccessful, and that they were constructed according to Mr. Buckland's model?—One was constructed according to Mr. Buckland's model.

4077. Do you know whether the contractor, in making that pass, did follow strictly Mr. Buckland's directions?—I spoke to Mr. Buckland on the subject, and Mr. Buckland told me that the surveyor of the city of Exeter did not comply with his instructions. I again called the surveyor's attention to what Mr. Buckland had stated, and he said that he had followed out Mr. Buckland's instructions, but whether he had or not I do not know.

4078. Do you know whether in that case the contractor put on a pass without fastening it, and that it was washed away?—I think that the pass I refer to is still in existence.

4079. Do you know whether, in another case, he put up a pass on an entirely wrong slant?—A pass was put up by a former surveyor which was useless.

4080. It would hardly be fair to throw the blame of the failure of those passes on the originator, if the originator's plan were not carried out?—Certainly not; I do not wish to throw any blame upon Mr. Buckland.

4081. Do you know anything about the pass at Cowley Bridge?—I do.

4082. Is it a successful fish ladder?—It is fairly successful, I think; but there is a question about it.

4083. What is that question?—A gentleman told me a few days ago, who frequently is able to inspect the pass, that the fish that ascend do not use the pass, and that many ascend by the side of it, over a long stretch of running water.

4084. Then the pass must be misplaced, must it not?—Perhaps the mouth of the ladder is misplaced; but I think it is on a good principle.

4085. It is on the pool system, is it not?—Yes, it is on the pool system. But it has been washed away in part by violent floods which came on too soon after it was put up, but we hope to make it a very good pass this year, and perhaps the fish will take it. I have no doubt of it.

4086. Your fisheries are of very small value, are they not?—Yes.

4087. Is money raised by voluntary subscription?—Yes, we have a small income. We have subscribed ourselves. The Town Council of Exeter have voted 150 *l.*, and the Bristol and Exeter Railway have voted us a sum of money for making this pass at Cowley Bridge.

4088. You anticipated in one of your answers the Government making grants for the purchase of weirs?—Not for the purchase of the weirs.

4089. For making fish passes on weirs?—Yes, for making fish passes.

4090. The sale of licenses would be the only security you could offer, I suppose?—Perh the rates, if the fisheries were to be rated.

4091. But in a river circumstanced such yours is, and in a low productive state, do think that Parliament would be ready to en tain the proposition to grant the public mo for such purposes?—I am afraid not. But I not see how we can improve our river with a grant; but at the same time, I venture to that I think this is a national question. I thi moreover, that former Governments are resp sible for allowing pollutions and weirs to built, to the injury of salmon productions. I so far a national question in my opinion, that Government ought to make grants to restore their pristine state the fisheries of this count which would then become very valuable inde

4092. But you perceive that no such quest could be entertained for a moment, without de ing with the still more important question pollutions?—Just so; the pollutions in riv are very bad indeed.

4093. You state that your fisheries, which a now worth 50 *l.* a year, might be made wo 500 *l.* or 1,000 *l.* a year?—I daresay that might be made of the value of from 500 *l.* 1,000 *l.* I say that, because I think the fishe in the Taw and Torridge in North Devon, worth 1,500 *l.* to 1,600 *l.* a year.

4094. Have you any more accurate data th supposition with regard to the productive ch racter of your river?—No; only comparing o river in volume and spawning ground to the Ta and Torridge.

4095. Have you any knowledge of any reco in the possession of the Corporation of Exet or any other person, as to what the river E formerly produced in the way of salmon?—N I have not. I have seen old plans of the E where nets were used and each pool had its nam where now a net is never thrown; of course, presume there were salmon there then.

4096. And in very considerable quantities?- Yes; every bed of water was drawn at th time.

4097. You said that you thought power shou be given to the county police, in their ordinar beat, to interfere with persons breaking th fishery laws, but I should like to know whethe it is not, in your opinion, the duty of a policema to interfere with any subject whom he may se engaged in perpetrating a breach of the law whether the fishery law, the game law, or an other?—Just so. Last January I brought tha matter before the county sessions at Devon, bu it was late in the day, and the chairman aske me to withdraw my motion for the police committe to take the matter into consideration, the polic constables never having been instructed by th chief constable to do so.

4098. It would be rather a *lache* on the par of the chief of the police if he had neglected t give such instructions, would it not?—That i my opinion, and I think the chief constabl of Devon may take that view now; he told m that he had issued instructions some time ago.

4099. That is to say, that he had issued in structions to the police constables to take cog nisance of such breaches of the law if they saw them?—Yes, but I think that the thing should be cleared up, because he said he had done it, bu he did not consider that he was bound to give those instructions. Then, with regard to appoint ing supernumeraries; I do not know whether

an

n right or not, but I think the chief constable as some discretion in the matter. Now I think e should have no discretion, and that wherever fishery board requires supernumeraries to be ppointed, they should be appointed on the certiate of the chairman of the board.

4100. And of course they should undertake to y such supernumeraries?—Certainly.

4101. *Chairman.*] I believe at Exeter there e some large paper mills?—Very large.

4102. And from those paper mills the pollunns proceed which injure the river so much, I ppose?—That is so.

4103. In your opinion is it possible to very uch improve the Exe till those mills are dealt th effectually?—I think it would improve in ite of those mills if the weirs were altered.

4104. Do three of the weirs belong to the rporation of Exeter?—I think there may be ree.

4105. Does that particular one where the unccessful pass was constructed belong to the rporation of Exeter?—I do not think it does long to the Corporation of Exeter; that is, the st weir.

4106. To whom does it belong?—I think the ople who own the paper mills work that weir; believe they have the control of it, along with rd Devon, perhaps

4107. Am I right in supposing that the Corration of Exeter contributed 150 *l.* towards the nstruction of that unsuccessful pass?—It was t given for that purpose; it was given to the ard of conservators to use as they thought oper.

4108. That would be supplemented, I suppose, money provided by the conservators?—es.

4109. Then was it not the business of your ard to see that the contractor did his work cording to the contract?—The contractor tells e he did so.

4110. But was he not employed by your ard, and not by Mr. Buckland?—He was not ployed by Mr. Buckland.

4111. By whom was he employed?—He had structions from the clerk of our board.

4112. Who paid him?—The clerk paid him.

4113. Does it not seem to you that the blame to be attributed to your board for not having en that the contract was properly carried out? We say that the contract was carried out prorly, but Mr. Buckland says differently; our rveyor says it was carried out properly.

4114. Who is your surveyor?—Mr. Ware, rveyor for the city of Exeter; he is not our rveyor; he did it gratuitously, I think.

4115. The surveyor says the work is carried t according to the contract, does he?—Yes; he ys it was carried out according to the plan ven him; if Mr. Buckland gave him any an.

4116. How long is it since this work was ne?—It is two years, I think; I think there no fault with Mr. Buckland; I believe that salmon ladder has been constructed that has en found to be useful for every kind of weir.

4117. There have been an immense number of ilures and experiments?—Yes; I think Mr. Buckland made an experiment there; we do not blame him at all; we only want to find the best form of ladder, and without experiments that is not to be ascertained.

4118. I daresay Mr. Buckland is as anxious as your board on that point?—Very likely he is; we are much obliged to him for his attention, and we have moreover to thank him for sending us 500 or more young salmon last year; we are very grateful to Mr. Buckland.

4119. He gave you a lecture also, did he not?—Yes.

4120. At Exeter?—At Exeter.

4121. And that directed attention to this important question, I suppose?—It was on the salmon preservation of the western rivers.

4122. Mr. Buckland told us when he was examined before this Committee, that in Queen Elizabeth's time there were a great number of salmon in the Exe?—I have no doubt there were a great number.

4123. Is there any other matter which you wish to bring before the Committee?—With regard to the pollutions, I wish to add that the salmon law to some extent has dealt with pollutions, and that we endeavoured to take steps under that Act of Parliament.

4124. You find an absence of any proper penalty in that Act of Parliament, do you?—Yes.

4125. Do you think that the clause in the existing Act requires amendment?—Yes; I think it is useless as it is, because if you prosecute a millowner you are at once told the cost of filtering will exceed 100 *l.* The North Devon Conservators desired me to call attention to the brushwood weirs; I am told with regard to those weirs, that if they were taken away no other weirs could be constructed; now a great deal of water percolates through those weirs, and it would be very desirable that a stone weir should be substituted; the water that is wasted might be sufficient to keep up a stream that would enable the salmon to pass at all times. Our streams are very often poisoned by people taking chloride of lime in bags; they get into the middle of the river and work the bags up and down, and kill fish of all kinds; we should like to have the power to deal with offences of that kind.

4126. I suppose you know that the fifth section of the Act of 1861 already provides for that: "Every person who causes or knowingly permits to flow, or puts, or knowingly permits to be put, into any waters containing salmon, or in any tributaries thereof, any liquid or solid matter to such an extent as to cause the waters to poison or kill fish, shall incur the following penalties:" the penalties are "(1) upon the first conviction a penalty not exceeding 5 *l.*; (2) upon the second conviction a penalty not exceeding 10 *l.*; and a further penalty not exceeding 2 *l.* for every day during which such offence is continued"?—I think that the second penalty should be imprisonment.

4127. Then the third penalty is 20 *l.* a day?—I think that the penalty should go further than that, and that it should be imprisonment.

Mr. WILLIAM TRELAWNY HALLETT, called in; and Examined.

Mr. *W. T. Hallett.*

12 April 1870.

4128. *Chairman.*] I BELIEVE you are Chairman of the Board of Conservators for the Axe Fishery District?—I am.

4129. Have you been so since the formation of your board?—Yes; since the formation of the board.

4130. When was your board formed?—Three years ago.

4131. In your experience as chairman of that board, has it appeared to you that the existing Salmon Fishery Acts are defective?—Yes; certainly.

4132. That is to say, the Acts of 1861 and 1865?—Just so.

4133. Do you think that the powers conferred on conservators and water-bailiffs, with regard to entering upon land, should be extended?—I think they should; in my district, on several occasions, water-bailiffs have been ordered off the banks of the rivers by the occupiers of land, and it appears that unless an order of the magistrates is obtained there is no real power for the water-bailiffs to remain on the land at all; it has almost led to collisions; we have but one there now, instead of two; we have one police constable, and he has been repeatedly ordered off land where he has gone in the execution of his duty.

4134. Do you think that if Parliament were to attempt to confer power of that kind upon water-bailiffs, there would be much objection to it?—There would not, I think, be the slightest objection to it.

4135. Not even from those persons who ordered the water-bailiff off?—No, not the least; in fact, we think the presence of a water-bailiff, especially at night, on the banks of rivers, is a great protection to the owners of land, even in the matter of game.

4136. Of how many members does your board consist?—It is in three counties, and there are three members for each, besides *ex-officio* members; there are nine conservators.

4137. There are nine conservators appointed, which gives three members for each county?—Yes; there are three for Dorset, three for Somerset, and three for Devon.

4138. Have you heard any complaint with regard to the mode in which the boards are elected now?—None.

4139. Do you think that the present system works satisfactorily?—Apparently so.

4140. Have you a tolerably good attendance at your board?—Very good.

4141. You do not seem to have a very large income; what is the amount of it?—We have a larger income than you might imagine; in the first place the licenses for nets and rods are about 45 *l.*, and in order to get a little more money the landowners on the lower part of the river have agreed to give up all their rights to the association, and the tickets for trout fishing and salmon fishing are about 100 *l.* a year more; our income is 140 *l.* or 145 *l.*; but, of course, the whole of that is not the conservators' income.

4142. Your income is not altogether derived from licenses?—No; there are four nets, and then the rod licenses would be about 45 *l.* a year.

4143. How do you expend those funds?—First, we pay the police constable and water-bailiff 60 *l.* a year, and we have to spend al 40 *l.* more as compensation to the occupier land by the water; they insist upon that.

4144. In fact, you rent a portion of water for the purposes of the association Precisely; so that altogether we have not v much money to lay out on the water.

4145. Has the salmon fishery in your r improved since the passing of the Act of 18 —I think that it has very much improved; th are a good many more fish than there w before the Act of 1861 was passed.

4146. Do you think the river is capable much further improvement?—Very much s

4147. What are the present impediments your river?—On the Axe there are three we we have one or two small rivers running i it. There are three weirs, but there are weirs within six miles of the sea.

4148. You have an important weir near minster, have you not?—Yes, that is the firs the lower part of the river; it is the nearest the sea; about eight miles from the sea. ladder was placed upon that weir and appro of by Mr. Eden and Mr. Ffennell, but it perfectly useless; in the first place, it was abrupt a good deal, and no fish could by possibility go up that ladder, and consequen it has been removed. Mr. Buckland has e mined the weir, and has proposed various pl for placing a ladder upon it, but the ow objected to having his weir touched in any w without a guarantee from us.

4149. Is that a mill weir?—Yes.

4150. Is it a fishing mill dam or merely an dinary weir?—It is an ordinary weir.

4151. And not used for fishing purposes, suppose?—The miller uses it for eel fishing.

4152. He does not profess to fish for salmo —No.

4153. Does it afford great obstruction to passage of the salmon to the spawning beds? Very great obstruction.

4154. What is the height of the weir?— hardly know; I should think it is about sev feet high.

4155. Then do the fish get above that weir all?—I do not think they ever do except there a most extraordinary flood.

4156. That is on the Axe itself?—Yes, on t Axe itself.

4157. But unless the fish pass over that w you can have no salmon in the Axe, can you? There is another stream just below Axminst which is a very good breeding stream, and t fish ascend there.

4158. The weir is above the confluence of th stream with the Axe?—Precisely.

4159. Would it very much increase the val of the fishery in the Axe if a proper fish p were placed on that dam?—I think so.

4160. Have you consulted any engineer on t subject?—No.

4161. But you have a design for constructi a pass, have you not?—Yes; Mr. Buckland h recommended a diagonal board to collect t water; but the owner of the weir objects entire to anything being done in the weir unless th conservators will guarantee that they will mak good any possible damage; that we are not in position to do; whether the upper proprieto ca

e very much about the pass being put there is ther question.

162. Is that an old weir?—Yes.

163. Has there been any inquiry into its ality or is it contemplated that there should any such inquiry, are you satisfied that it legal?—We are perfectly satisfied that it is al.

4164. Is it the opinion of your board that re should be compulsory power to make a fish y over it?—We think that the owner of such veir as that, erected prior to the passing of Salmon Fishery Act, should be compelled to a pass be put at all events, not at his own ex-nse, because I suppose we could not manage t.

4165. It has a legal status in its present form, l you desire to effect improvements in your n fishery, and think you should be ready to ar the expense of it?—Precisely so.

4166. Are there any other weirs of consider-e importance on your river?—There are two irs above that on the Axe; one a mile higher , and one a quarter of a mile beyond that; the ee are almost in fact close together. Mr. uckland looked at them with me, and the same pediments exist there as in the other weir.

4167. Supposing you had compulsory powers, ould you be able to raise the needful funds for e purpose of constructing those passes?—We ould attempt it.

4168. And you have a reasonable expectation at you would succeed, I suppose?—I think so.

4169. Would you propose to raise money by ortgaging the license duties, or in what way ould you propose to do it?—Not only in that ay, but perhaps the inspector should be the dge as to what the rate should be; that is to y, whether according to each man's right of hery, a rate should not be made on the land.

4170. You contemplate, in addition to anything hich you could raise by mortgage of the license ties, some contribution from the riparian vners, do you not?—Yes, I do. The owners ould be very glad, I think; they are doing all at they can; they have given up all their hery rights.

4171. Did you see the Bill introduced into is House last Session by the Tyne Fishery oard?—Yes, I read a part of it.

4172. You know that they contemplated taking e power of levying rates on the riparian owners, you not?—Yes.

4173. Do you think that the principle on hich that Bill was framed in that particular, is ie that would be generally applicable?—I think at a compulsory rate might be objected to in me instances; but I think that the opinion of e Inspector of Fisheries would go far with the ajority of the landowners, and that they would e ready to pay any rate which he said ought to e paid.

4174. Would you not settle amongst your-lves a fair mode of contributing?—I think we ould.

4175. But you would perhaps suggest that ere should be power given to fishery boards, ith a right of appeal to some central autho-ty, in case of difference of opinion?—Yes.

4176. What is the value of the mills connected ith those weirs on the Axe?—I am not aware.

4177. Is it something considerable?—Yes.

4178. With regard to the annual close time, it your opinion that the existing regulations should be maintained, or would you have a variable close time?—I am very much in favour of a variable close time; for this reason, that at present our close time is from the 1st of September to the 1st of February, but ought to be from the 1st of October to the 1st of May.

Mr. *W. T. Hallett.*

12 April 1870.

4179. That is to say, for net fishing?—For net fishing; we have few fresh fish in the river till August. I do not mean that no salmon at all ever enter the river until August, but it is in very small numbers, and then not above the influence of the salt water. The great bulk of them ascend from the middle of August to the end of November; of course, after the 1st of September, with the net we cannot touch them. Last year with my own net I took up to the 1st of September, fishing from the beginning of June, about 1,400 pounds of salmon peal and sea-trout, and I am sorry to say, bull-trout, and only four salmon, all taken after the middle of August. That was within a mile from the mouth of the river, and that clearly showed that no salmon had entered. Another net, two miles above me, also caught a large number of peal and sea-trout, and only one salmon, and that was on the 28th of August, so that only five salmon were captured in the Axe up to the commencement of the close time. In the end of September Mr. Buckland came down to me, and we fished a pool on the 21st of September, and immediately took out six salmon, and that was in the very pool that had before only yielded one salmon.

4180. And from that you draw the conclusion that yours is a late river, and that the period of fishing should be extended?—It is a very late river.

4181. You think that there are such things as late and early rivers?—I am almost certain about it; in the end of November the herring and pilchard nets used at Seaton, a seaport town just beyond me, there were constantly a number of salmon enclosed in the nets even in November; I could see from the pier-head of a pier belonging to me, in June and July, salmon constantly playing in the mouth of the river; but the fish did not ascend the river, but stopped there until the autumn; they did not go up; formerly about 15 years ago, I used to catch a quantity of salmon in the lower part of the estuary, but for 15 years I have not had a net put in there (the fishing exclusively belongs to me), in order that the upper proprietors might get a chance of a fish.

4182. Is that in the tidal water?—Yes, in the tidal water.

4183. You have a several fishery?—Yes, I have a several fishery, nearly a mile of it.

4184. Have the public any right of fishing in the estuary at all?—Within the influence of the tide, there are several others who have a right of fishing.

4185. But the whole of the estuary is in private hands, and not fished by the public?—No, not by the public; it is all in private hands.

4186. Under, of course, a grant from the Crown before Magna Charta?—Yes.

4187. Do you think that the effect of the present close time, as far as you are concerned, is to diminish the interest that gentlemen like yourself, have in the preservation of salmon?—Very much so; at this time of the year the old fish, and the well-mended fish are constantly taken by the rod; the well-mended fish and those in bad condition, are constantly descending to the sea; I have known as many as 150 salmon before now,

Mr. *W. T. Hallett.*

12 April 1870.

descending to the sea; there is not a day passing but one of our ticket-holders takes out one of those fish and kills it; the very first flood will carry those fish all down, and we do not see those fish again, or any fish at all in the shape of salmon, until August, September, and October, and then they all rush into the river; the river is full of them; there is the same dance every year; they go up when we cannot touch them, and they go down when they are useless.

4188. Mr. *Liddell.*] But is it not illegal to kill unclean or unseasonable fish?—But still they do it.

4189. They are bound by law to return them to the water, are they not?—Just so; but it is almost impossible to prevent taking them now there are so many.

4190. *Chairman.*] But they are useless to you, you say?—Perfectly so.

4191. But the stock will possibly be increased by that means?—I think so; the old practice of spearing all the old fish would have continued if it had not been for the passing of the Act. I have seen the old fish thrown on the bank as useless, and all kinds of mal-practices were carried on before the passing of the Act.

4192. In my part of the country it is alleged that in old times pigs were fed with spawn; had you anything of that kind in your district?—Yes; I have seen bushels of gravelin lying on the bank of the river in my district; some time ago, say, in the year 1815, my ancestor, if he wanted a salmon for dinner, had nothing to do but to have a net put into any pool of water, below the house, take out a dozen salmon, select the best, and put the rest in again.

4193. You are not in that happy condition now?—Certainly not.

4194. What extension of the annual close time would you recommend?—Our board consider that the end of September would be quite sufficient for net fishing, such fishing to commence on the 1st of May.

4195. Would you have a corresponding extension for rod fishing?—No, I think not; we have to the end of September now for rod fishing, and we think that is sufficient, but that the rod fishing for salmon and peal should also commence on the 1st of May.

4196. Would you propose to have the close time settled by a bye-law?—I think it would be very desirable if power were given to boards of conservators to make bye-laws applicable to their particular rivers.

4197. You would have the period defined by Act of Parliament, but would make it elastic by means of bye-laws?—Yes.

4198. To whom would you entrust the power of making such bye-laws?—To the boards of conservators.

4199. But would you do that without the sanction of some controlling authority?—No; I think with the sanction of the Secretary of State or the Inspectors of Fisheries.

4200. Or the central authority, whomsoever it might be?—Just so.

4201. Have you any navigation weirs on the Axe?—None.

4202. Have you any suggestion to make to the Committee with regard to the weekly close time?—No, we are perfectly satisfied with the weekly close time, I think.

4203. Did you mention the extent of the estuary; how far is it from the mouth of the river to the limit of the tidal flow?—It is only a m and three-quarters.

4204. And a considerable portion of that your own several fishery?—Yes, nearly a mile

4205. Do you think that the prohibition w regard to net fishing within 50 yards of a d should be extended at all?—No, I think not; do not think that we have any complaint to ma in that respect.

4206. With regard to the mesh of the net, you think that it is the best that could be d vised?—No; there is a question whether a tra mel net is an illegal net or not. I have a secti of a net here showing the kind of trammel n used on my river as well as the seine.

4207. Do you not know that in the case Dodd and Armour, it was decided that a tramm net was illegal?—Yes, but the trammel n vary; I do not know whether it was the sa kind of net in that case as it is in our river; t trammel is a net that has been used for a gre many years in the upper part of the river abo where I fish.

4208. It is very difficult in certain states the water to catch fish at all without tramm nets, is it not?—Yes; precisely so; I wou suggest myself that some power should be giv with regard to the nets; not merely with rega to the mesh, but also to the character of the n itself.

4209. You would give some power to alter t size of the mesh, would you not?—I would alt the size of the mesh according to the size of t fish to be caught in the net; for roach, dace, a fish of that kind, the size of the mesh must small.

4210. You would suggest that authority shou be given to boards of conservators to authori the use of a smaller mesh than two inches fro knot to knot?—Not for salmon.

4211. You would keep up that minimum?- Yes.

4212. And would you make a maximum well?—No.

4213. Perhaps that question does not affe you much?—No; I have seen fish 2 lbs. weig go through that mesh.

4214. Mr. *Liddell.*] Is a trammel net the sam thing as a beating net?—It is a draft net; this is (*producing a net*); a fish going into a trammel n strikes into it, and gets into a bag, which is di ferent to the seine, where the fish swim all roun and try to get out underneath; a fish of any siz will strike very hard, will get into the bag, an cannot get out again; it has been held, I believ that it is, in fact, two nets, one net over th other; but I do not know whether that would b so in every case.

4215. *Chairman.*] My impression is that the cas of Dodd and Armour brought before one of the Su perior Courts, decided that a net exactly of tha character was illegal?—Of course no board of con servators would scarcely like to proceed agains any man for fishing with such a net unless they were positive it was illegal.

4216. Is the clerk to your board a professiona man?—Yes, he is a solicitor.

4217. Do you give him a salary?—Yes, a smal salary; but he acts for the Fishery Association and it is from the association he gets the salary.

4218. And he prosecutes evil-doers, does he —Yes, we prosecute people for poaching on th river.

4219. Have you any suggestion to make t th

ıe Committee with regard to the powers con-
erred on the water-bailiffs?—I think that a water-
ailiff should have the power to enter upon land
n showing his appointment, in the exercise of
is duty, without the consent of the owners.

4220. Do you experience the necessity for
aving gratings at the head races of mill leats
ı your river?—I think there should be power
) do that; but we have not entered into that
ıbject at all.

4221. As your estuary is so small, you have not
xperienced much difficulty from floods have you?
-No; but on the River Yarty a weir has been
ected, and a pass is going to be placed there
y the owner, with Mr. Buckland's sanction,
ıd the fish will no doubt increase; it is a great
reeding stream; last year there were 4,000 lb.
f peal and sea trout taken in the river, and, of
ourse, had we been able to fish to the end of
eptember a great many salmon would have been
ıken.

4222. And without unduly diminishing the
tock?—Precisely.

4223. Mr. *Pease.*] What are the main points
n which you think further legislation is neces-
ary?—Giving more extended powers to water-
ailiffs, and power also to make passes on weirs
onstructed before the passing of the Act.

4224. But with regard to fishing in estuaries,
our experience does not point to any limit
eing required in that respect?—No, certainly
ot.

4225. May I ask if your attention was called
) the Bill that was brought in last year by Mr.
Knatchbull-Hugessen and Mr. Secretary Bruce?
-Yes, I read it.

4226. Did that Bill meet with your approval?
-No, I think not.

4227. Perhaps at this distance of time you
annot speak positively about it?—No, I have
ot read it lately.

4228. Mr. *Lowther.*] Cannot you say, gene-
ılly, why you disapproved of the Bill of the
Right honourable Member for Sandwich?—No,
cannot say exactly, but I read it to the board,
ıd the general opinion, I think, was that it was
nsatisfactory, but I cannot remember the pro-
isions of the Bill. I do not think that the Bill
ouched the points I have indicated.

4229. It did not go far enough, you think?—
Io.

4230. Mr. *Whitwell.*] Is the Fishery Associa-
on which you spoke of, the Board of Con-
ervators, or another body altogether?—A num-
er of people belong to it, beside the conserva-
ors.

4231. Then the licenses at present taken out
n the ground of the association, are not licenses
ranted by the board?—No; we issue tickets for
ılmon fishing and for trout; of course for salmon
shing there is a rod license; that goes to the
ccount of the conservators as well as the licenses
or nets. The money raised by the tickets issued
y the association for trout and salmon fishing,
ıat is to say, the power of fishing over other
eople's land, that also we place to the credit of
ıe association, although it is used in fact by the
onservators.

4232. Then what was the amount of the double
cense, that is to say, the license and the ticket
ogether?—About 140 *l.*

4233. Yes, but what is the amount for each
od?—Each rod is 3 *l.* for a license and ticket for
year.

4234. Mr. *Assheton.*] You are short of money at your board?—Yes.

4235. It has been suggested by one or two witnesses who have been examined before this Committee, that it might be practicable to rate the owners of several fisheries; have you ever considered that point?—No; there is only one several fishery in our river; I have never had a general license. I have merely subscribed and taken out an ordinary license for net fishing; the other owners of land are about four who have taken out net licenses; but we have never considered the question at all. One gentleman has a very large extent of water. I think he has above four miles of water; and of course if we had a rate, he would be the very largest rate-payer, and he would think, perhaps, that he was rather overtaxed; it is a very difficult question where you have got in the river itself but a few owners, because they would bear the whole of the expense of the rate, unless the occupiers were rated.

4236. Have you public waters in your river?—No; the public have no right of fishing in any part of the river.

4237. Not in the estuary?—No; not in the estuary.

4238. So that if you rated all the owners of fisheries, you would rate everybody who fished in the river, would you not?—Exactly.

4239. Mr. *Liddell.*] As a matter of river policy, do you think it would be just or wise to restrain any proprietors of a fishery in any part of the river from the use of the net during the period that the salmon are in good condition?—No; I think not.

4240. There are many seasons and many portions of rivers in which, without the net, the proprietors chance of obtaining a clean fish is almost nil, are there not?—In my river most certainly the net would be the only way of taking the fish.

4241. In all rivers there are certain pools where fish will not rise, are there not?—Yes.

4242. And if the proprietor is debarred from taking the fish out with a net as he may want them, he would get no fish at all?—Just so.

4243. Then, as a matter of general river policy, I am right in supposing that it would be unfair upon the proprietor to debar him from the legitimate use of the net?—I think so, decidedly.

4244. Have you anything further to add with regard to the weirs?—Going back to the question of weirs, the great difficulty with regard to the Axminster weir is, that even if the owner would consent, it is an old weir, and if we touch the masonry at all, it would go all to pieces. It might seem easy perhaps to alter the construction of a weir, but I think it would be a very ticklish thing indeed to touch this old weir. We should be liable to an action, if anything wrong happened.

4245. Some of the witnesses have spoken about obtaining grants or loans of public money for the purchase of weirs; have you paid any attention to that subject?—No; we thought that a hopeless thing to ask for; of course, we should be very glad to have it.

4246. But you think that is a proposition which Parliament is not in the least likely to entertain?—I should say not.

4247. *Chairman.*] I take it that an engineer would be able to take proper precautions against

Mr. *W. T. Hallett.*

12 April 1870.

injury to any dam, would he not?—Perhaps he might.

4248. It might be done carefully under proper management, might it not?—I think an engineer would hardly like to touch an old weir. I think the Inspector of Fisheries would see that that would be a very doubtful operation.

4249. Mr. *Whitwell.*] Would there be any difficulty in registering the temperature of the river Axe at its mouth, and also five or ten miles up?—No difficulty whatever; I ought to have had the temperature by this post, but it has not come. I mean the temperature of the sea, the temperature of the Axe at its mouth and also five or ten miles up.

4250. *Chairman.*] Is that over a period of time?—On the same day I ordered it to be done; but of course it could be done at different times of the year.

4251. But you now refer to a particular hour on a particular day?—Yes.

4252. If you obtain that return, will you be kind enough to send it in to the Committee?—Yes.

4253. Mr. *Whitwell.*] Would there be any difficulty in keeping a register of the temperature of this river under the charge of your board, in the same way as we keep a meteorological register of the weather?—None whatever; our water baliff is a very intelligent man.

4254. Mr. *Liddell.*] Do those observations with regard to temperature refer to the hatching of the young fish, or for what purposes are they made?—No, they are made with a view to the running of the fish into the river.

Mr. Frank Buckland, called in; and Examined.

Mr. *F. Buckland.*

4255. Mr. *Whitwell.*] Would there be any difficulty in the Fishery Inspectors establishing a system of registration throughout the various rivers now formed into districts, in order to gain information with regard to their respective temperatures?—I think that if a system of regular observation of temperatures were established throughout every district in England, there would, in the first place, be no difficulty in carrying it out; and secondly, I think that it very probably would throw great light upon the causes of rivers being early and late. My colleague, and myself, would be most anxious to see it done. I am very glad the question has been asked.

4256. Would it also tend to elucidate the time of the hatching of the spawn as well as the entrance of the fish into the river?—Such observations would also throw very great light on the time when the young fish come out of the egg, upon the time when the smolts descend to the river, upon the time that the kelts leave the river for the sea, and upon the time they reascend.

4257. You think that the boards of conservators throughout the country could do that without very much inconvenience?—Yes, the price of a thermometer is so small, and the water-bailiffs are generally such intelligent men, that I think my colleague will agree with me that the boards have only to give orders to have it done, and it will be done.

4258. Mr. *Liddell.*] Has your observation enabled you to say, with reference to the almost miraculous assumption by the fry of their salmon appearance; that is to say, the silvery appearance which they assume in the fresh water, whether that is materially affected by the temperature of the water at the time, whether it is more rapid in warm water, or the reverse?—I can only say, from the young fish that I have bred myself, that they do not assume the smolt coat until the warm weather begins to come. I have fish now that are getting very restless; the smolt coat is about to come. In the winter they show it very little, but in the migratory time they begin to put it on.

4259. When they are first hatched they are difficult, except to an acute eye, to know from the young of trout, are they not?—The young of trout and the young of salmon are sometimes both par-marked; but there are other points which enables them to be distinguished.

Mr. George Augustus Haig, called in; and Examined.

Mr. *G. A. Haig.*

4260. *Chairman.*] You reside at Pen Ithon in Radnorshire, do you not?—Yes.

4261. You are a very considerable landowner in Radnorshire, I believe?—I have a great many acres, but it is not very valuable property.

4262. Upon your property there are some small rivers, are there not?—We have five small streams in all, where we have young salmon.

4263. And have you spawning beds in all of them?—Yes.

4264. Those streams unite and form the Ithon, which is one of the principal feeders of the Wye, do they not?—Yes.

Mr. *Walpole* pointed out the streams on the map.

4265. You state that young salmon are found in all these streams?—Yes.

4266. In one of them is there a natural waterfall above which no salmon can ascend?—Yes.

4267. And above that waterfall are there more trout and larger trout than in any of the other rivers?—Yes, although it is the smallest stream of the whole tribe.

4268. Do you infer that the presence of the salmon diminishes the quantity of trout?—Yes.

4269. Do the old salmon ever reach your part of the river?—Yes, plenty of them.

4270. At what period of the year do they come?—After the rod fishing is closed, and they leave again before the rod fishing opens.

4271. The consequence, of course, is that very few salmon are captured upon your estate and in your neighbourhood?—Very few are properly captured.

4272. That is to say, very few are lawfully captured?—Yes.

4273. You are prevented from deriving any benefit from the fish that are bred in your district?—Precisely so.

4274. Do you make any suggestion that the old fish ought to be destroyed on the spawning beds?

ds?—No; but I say that as long as the present mon laws are in existence, it is our interest destroy every old fish that comes into our ter.

4275. Is that because they diminish the supply trout, without giving you a supply of salmon? Precisely so, because we are now forbidden law to have what we used to have formerly, mely, young salmon by fair rod and line fishing.

4276. What power do you desire that Parliaent should confer upon you?—Simply, that we ould have young salmon by fair rod and line hing.

4277. In the spring time of the year?—In e spring, during a reasonable period; that is to , from the spring to the autumn, during the linary trout fishing season.

4278. Would not that lead to an enormous ount of poaching?—No, I do not see what nd of poaching that would lead to; there are t any old fish there during the season when we ould take the young fish.

4279. I believe that you had, at one time, a nsiderable quantity of young salmon in your reams?—Yes; 12 years ago we had four times many young salmon as we have now, and even ght years ago we had four times as many young mon as we have now.

4280. Were poachers and other persons in the bit of netting, at that time, very extensively ring the night?—No, not at all.

4281. You did not suffer by netting many nes in one night, as we did in my part of the untry?—No.

4282. Those young fish swim in shoals, do ey not?—Yes, large quantities of them go gether.

4283. Then a person in a comparatively small ver, who was well acquainted with the river, d the habits of the fish, would be able to sweep t a shoal of fish in one night?—Yes; but I ould make it illegal by prohibiting net fishing; simply ask for fair rod and line fishing.

4284. But would not that lead to your being possession of young salmon?—Yes, and we ay be in possession of plenty of young salmon w without any person knowing it, because you nnot enter my house to find it out.

4285. But at present it is unlawful to have ung salmon in your possession, is it not?—es, but how are you to find it out; you must ok at the thing practically.

4286. But is not the practical way of looking it this, that when it was lawful to have these ung salmon in your possession, the poachers ached to an enormous extent, and sold the young lmon openly?—No, for my experience runs rectly contrary to that; that when we were lowed to have young salmon by fair rod and ne fishing, we had more young salmon in our ver, and more young salmon leaving our river, an we have now since the law has been made stringent.

4287. I do not understand you to suggest that ere should be any netting for young salmon, I?—No, certainly not; I would even prohibit t fishing for the old salmon in the upper parts the river above tidal waters.

4288. Both by day and by night?—Both by day d by night.

4289. Would you prohibit the sale of young lmon?—No, certainly not; I would let it be ld; when I went up to Radnorshire 12 years o, there were a great many fishermen who travelled many miles to fish the Ithon; those men were usually weavers, and perhaps they realised 2 *s.* 6 *d.* a day by fishing; there was no one to prevent them; I did not prevent them, nor did any one else, and I think it was useful that those men should have a friendly feeling towards the fish, because out of that class are drawn the class of men who now destroy the fish.

Mr. *G. A. Haig.* 12 April 1870.

4290. In what manner are the fish destroyed now?—Three or four men go out together at night and destroy them.

4291. By what means do they destroy them?—With hooks, stones, and sticks; our rivers are very small.

4292. Do they destroy the fish on the spawning beds?—Yes, unquestionably.

4293. It is while they are on the spawning beds they do that?—Yes, no doubt.

4294. You refer especially to that period?—Yes, I refer especially to that period.

4295. But, in order to do that, they must trespass to a large extent on somebody's property, must they not?—No, sometimes they are on their own property. Besides which a man commits no trespass if the occupier does not object.

4296. Among the poachers whom you describe are there many landowners?—Small landowners. There are a great many small freeholders in my part of the country.

4297. Those men who are in the habit of destroying the fish on the spawning beds?—Yes, farmers and labourers are frequently freeholders.

4298. Is that generally known?—It is perfectly well known that fish are destroyed.

4299. And is it known also that it is contrary to law?—Quite well known.

4300. Of course those men are prosecuted, are they not?—Yes, when they are caught.

4301. Of course they are always caught, are they not?—No.

4302. How is that?—It is not easy to catch them; there is only one watcher to watch perhaps 15 miles of river altogether, including small streams. I have on my property at least eight miles of river.

4303. Those practices, I am sure, do not occur on your estate, do they?—Indeed they do.

4304. With your sanction?—I will not say that it is done with my sanction, but I am perfectly well aware of it, and as a landowner I do not object to it.

4305. You have been out of town during the present week, have you not?—Yes.

4306. May I ask you how you have been occupied?—I was away at the quarter sessions.

4307. Are you chairman of quarter sessions?—No.

4308. Do you think that the quarter sessions are aware of those illegal practices?—I am quite sure that a very large number of the magistrates are aware of it. I should say that the majority of them are aware of it.

4309. I suppose you have taken an opportunity of directing the attention of your brother magistrates to this breach of the law?—No, I did not think it was necessary to do so.

4310. You do not think that it is the duty of a magistrate to see that the laws are enforced?—If it is brought before him magisterially, unquestionably it is.

4311 But not if it is brought before him privately?—If he has evidence brought before him legally, of course it is.

Mr. *G. A. Haig.*

12 April 1870.

4312. But if he suspects that the law is broken, is it not his duty to do so?—No, I am not sure about that.

4313. But you know this is actually done, do you not?—I am not legally sure of it; I have not seen it done, neither can I say that any person who has done it has ever informed me that he has done it.

4314. You did not see that umbrella in your hand made, but you know that it was made?—No doubt.

4315. In fact, you have no doubt that this destruction of fish does take place?—None whatever, because the men have been brought up and convicted.

4316. But you have taken no steps to prevent that poaching on your own estate?—None whatever.

4317. Is there much destruction of these young salmon by children in your neighbourhood?—No, I do not think so now, because there are very few young salmon there.

4318. Was there such destruction by children at one time?—I do not say that there was, for I do not know it, but I think there was.

4319. You think that if Parliament authorised the use of rod and line to kill young samlets, as was the practice before the Act of 1861 was passed, this state of things would cease to exist?—I think so, unquestionably.

4320. I observe that you suggest that the spearing of salmon should be permitted, under some circumstances?—Yes, that is because of several other proprietors having spoken to me and said that without spearing the salmon, in many seasons they had no chance whatever of having any old salmon at all.

4321. You would repeal so much of the 8th section of the Act of 1861 as renders it illegal to use any spear or other instrument?—Under certain limitations I would.

4322. What limitations do you refer to?—I would only suggest that spearing should be allowed for the last three weeks of the salmon fishing, say, for six days during each season.

4323. Do you mean during the period of net fishing, or rod fishing?—During the rod fishing. With regard to the parts of the river I speak of, the fish are seldom up there during the net fishing season.

4324. But do they get up to the spawning beds before the end of the rod fishing season?—Yes.

4325. Do you think that net fishing should be entirely prohibited?—Above the tidal water; I am in favour of it.

4326. Entirely above the tidal limit?—Yes, entirely above the tidal limit.

4327. Would you permit any net fishing during the night, within the tidal limit?—I would allow it only five days a week. My idea would be to divide the rivers into three or six divisions.

4328. On what principle would you do that?—I would divide it into six divisions; in the estuary division, besides the Sunday close time, I would have Saturday; in the next, Monday; in the next, Tuesday; in the next, Wednesday; in the next, Thursday; and in the next, Friday.

4329. You would recommend a moveable close time?—Yes, I would recommend a moveable close time up the river, in addition to Sunday close time, and then the conservators would fix the divisions.

4330. Do you approve of the number of hours at present fixed for the close time?—No; ha[ve] that, because I think that that breaks in on Saturday evening and Monday morning.

4331. You would alter that, would you Yes; I would make it 24 hours close time work in with the moveable close time.

4332. From 12 o'clock on Saturday night 12 o'clock on Sunday night?—No; from o'clock on Saturday night to six o'clock on S[un]day night, but that signifies very little.

4333. That 24 hours would give you a port of Sunday?—Yes.

4334. You do not propose, as I understa[nd] you, that there should be Sunday fishing?—N[o] the Sunday should be unquestionably as it is present, a close time.

4335. That of necessity would give y[ou] 30 hours?—Yes; but it would be 48 ho[urs] on Saturday and Sunday, and on Sunday a[nd] Monday, not on other days.

4336. I am speaking of the weekly close tim[e] I suppose you understand that?—I understo[od] you to speak of a moveable close time.

4337. No; I asked you whether you approv[e] of the present weekly close time; that is to s[ay] the number of hours at present fixed by the la[w] you do approve of it, as I understand you?—Yes, but I would increase it.

4338. Do you approve of the annual clo[se] time?—I cannot say that I have considered th[at] part of the question; it hardly affects me.

4339. What is the character of the tidal pa[rt] of your river; is it a wide estuary?—I cann[ot] say, because it runs into the Severn, and I ha[ve] never seen it.

4340. It is a very considerable distance fro[m] you, I believe?—Yes; it is a long way from m[e].

4341. Now, with regard to the amount [of] license for rod fishing, do you approve of the pr[e]sent charge of 1*l.*?—No; decidedly not.

4342. Is it, in your opinion, too much or t[oo] little?—It is a great deal too high; it mak[es] the Act of Parliament very unpopular amo[ng] the working classes, and unless you have th[e] working classes with you, you will find it utterl[y] impossible to preserve the salmon.

4343. Would you repeal that license altogethe[r] or reduce it?—I would make it 1*s.* The preser[nt] license is very heavy, even on a rich man; you fish in many rivers you pay a license her[e] and there in as many rivers as you go round.

4344. Where do those working men fish are there public portions of the river?—Ther[e] are public portions of the river below Rhaiadyr.

4345. Where the public have the right t[o] fish?—Where the public have the right to fish.

4346. You are now speaking of the fresh water portions of the river?—Yes, of the fresh water portions of the river, and it is in the Wye, that I am speaking of now.

4347. How would you propose to raise funds for conservancy purposes?—By subscription.

4348. Whom would you ask to subscribe?—The owners of the fisheries, and those who fish.

4349. You have just stated that the owners of the fisheries are the public?—That is only a very small portion indeed.

4350. To what extent is that public fishery carried on?—I cannot say exactly, it is below Rhaiadyr; it is where the river runs through lands that have been or are waste of the manor; when those lands are inclosed, the public right of fishing remains.

4351. You

4351. You say that that public fishing is carried on to a small extent?—Yes.

4352. Is it a mile, do you think?—There are several miles, I should say. I have myself several small parts of the river that run through lands that were formerly waste of the manor.

4353. You propose that there should be subscriptions raised from the owners of lands, and from the persons who fish?—Yes.

4354. Would it not be better to make the persons who fish pay a higher license duty?—No; that would defeat my object.

4355. A license duty of 1 *s.* is what you propose?—Yes, my object is simply that the working classes should be in favour of your salmon laws.

4356. Mr. *Lowther.*] Do I understand you to say that the license should be reduced to 1 *s.*?—I would recommend that.

4357. In that case you would have everybody in the place fishing, would you not?—No, I think not.

4358. Perhaps you are speaking of your own particular district; but do you not think that generally it would have that effect?—I think not; I do not think that working men would waste their time unless they felt sure that there would be something to pay them for it.

4359. But if a man paid 1 *s.* for a license, what would he make a day by fishing?—He might make a great deal, or he might make nothing.

4360. What is a "great deal"?—He might take 10 *s.* or 15 *s.*, or a pound a day if he was fortunate.

4361. Then he would probably leave his work, would he not?—I do not see why he should not be allowed to do so if your object is to have fish cheap.

4362. About those poachers that you have referred to; is there any difficulty in informing against them?—Yes, they are all banded together against the salmon laws. The whole country side is so.

4363. The poachers come up before you as a magistrate, you say?—Yes, they have been brought before me; they do not come up of their own free will; as a general rule, I may state that I usually avoid or leave the bench when there is any salmon case coming on.

4364. *Chairman.*] Do you mean that you leave the bench merely where the cases are on your own property?—No.

4365. You mean when they are brought before the bench from anywhere?—Yes.

4366. Mr. *Lowther.*] Why do you leave the bench?—Because I have a very strong feeling that the salmon laws are grossly unjust, and I do not wish to act as a magistrate when I have that strong feeling on the subject.

4367. Do your strong feelings apply equally to the game laws?—No, not at all; yet I should not like sitting on the bench when a poaching case came on either.

4368. You would not be in favour of sending a man to prison for the second or third offence against the fishing laws, in preference to fining him?—Decidedly not.

4369. Is it usual in your district to fine poachers?—Yes.

4370. And the fines are readily paid, are they?—Yes, they are always paid.

4371. Directly?—Pretty quickly.

4372. Do they send offenders to prison sometimes?—I cannot say that I ever heard of a man being sent to prison.

4373. Did you ever erect any weirs yourself?—No; there is one weir on my property which was there when I bought it. I have erected small things for preserving the fish.

4374. What kind of fish?—Trout, and any fish that go there; but they are usually swept away in the winter by floods.

4375. And the salmon go over them?—Oh, dear! yes; in times of flood you would hardly observe it, perhaps.

4376. Colonel *Edwardes.*] I think you said that you had bought property in that neighbourhood; that is your own?—Yes.

4377. Is there a board of conservators in your district?—Yes.

4378. Are you an *ex officio* member of the board?—Yes; I presume so.

4379. Do you ever attend the board?—Never.

4380. Have you ever had any communication with them at all?—No.

4381. You have never communicated to the board your suspicion, that almost amounts to a certainty, of this illegal capture of the fish that goes on?—No, never; but I should say the members of the board were quite well aware of it.

4382. You have given them no information that would induce them to send over their water-bailiff to put a stop to it?—They always send the water-bailiff up there during the spawning season.

4383. Has the water-bailiff never done anything towards stopping that practice?—Yes; sometimes he catches the people, and fines them.

4384. That is to say, he gets them fined?—Yes; he gets them fined.

4385. You stated that there were few large salmon captured legally in the waters that you are acquainted with?—Not any, perhaps.

4386. Are there many fish illegally captured?—I should fancy so; I do not know actually; but I have little doubt of it.

4387. I presume, on the spawning beds?—Yes, I presume so.

4388. I understand you to say that you are in favour of young salmon being allowed to be taken by fair rod and line fishing at any time of the year?—At any season of the year when we have trout fishing.

4389. Would you put any limit with regard to the size at which they should be taken?—No; because I think that any reasonable man would throw back a very small fish.

4390. But there are a great many unreasonable men in the world, are there not?—I do not think that many working men who are in the habit of fishing are unreasonable in that way.

4391. You have not come across them?—I have come across unreasonable men in the world; but any working man in the habit of fishing would say, "This is a very small fish, I had better throw back."

4392. Have you ever found any of these reasonable men, who would throw back a small trout or a small fish in general?—I cannot say that I have, because the class of people we are speaking of do not belong to my class in life.

4393. But you think that the people who fish in that way, and whose cause you advocate, would adopt that plan?—I feel certain they would, for this reason: years ago I was in the regular habit of having fish brought to my house for sale, and

Mr. *G. A. Haig.*

12 April 1870.

I never saw a fish brought to my house for sale that was not quite as long as that pen (*taking up a cut pen about six inches long*).

4394. Do they get a very ready market for that sized salmon?—Yes, they could sell any quantity of fish in Newtown; not with me.

4395. They could sell them as trout, could they not?—I do not know that they could sell them as trout; I am speaking of eight years ago; the Act was passed then, but it was not settled in our part of the country until Mr. Thirlwall's case was decided.

4396. But about what date was that case tried?—I cannot remember; I should say it was in 1866 or 1867.

4397. Four years ago?—Five years ago, perhaps.

4398. Has that put a stop to the illegal sale of fish?—Yes, no doubt it has.

4399. What do they do with what they take now?—There are none taken. Are you speaking of large fish or young fish?

4400. I am speaking of young fish?—There are no young fish taken; they hardly exist in the river.

4401. But surely, in answer to a question from the honourable Chairman in your examination in chief, if I did not misunderstand you, I thought you gave it as your opinion that there was a great deal of fishing, even on your own estate, for this young salmon now?—No, I spoke of the old fish; I said there was not one-fourth of the young salmon now in the river that there was eight years ago.

4402. Do I understand you to say, that there is none of that young salmon taken now during the time that trout fishing is legal?—I should say not; I do not think there is one person fishing now for 20, that used to fish eight or ten years ago.

4403. When was it that the fish was brought to your house for sale; was it eight years ago?—Perhaps six or seven years ago.

4404. You have had none brought to your house since then?—No; not for a very long time.

4405. Of course we are all aware that there are various interests in the river, and the great object is to get those different interests to pull together; but would you not fancy that this killing or taking of the young salmon by rod or line would materially diminish the supply to the lower proprietors on the river?—Decidedly not; it would increase it, I think.

4406. In what way would it increase it?—Because eight years ago there were unquestionably four times, or more, as many young salmon in my river as there are now.

4407. But will you be kind enough to explain this; you say that at this moment there is none of those young salmon illegally captured, and yet you advocate that this capture of salmon should be made legal?—Yes.

4408. But yet you state that however few or many fish are taken out, that there would be a larger supply at the end of the river?—Yes, because they would leave the old fish alone.

4409. What guarantee have you for that?—The guarantee would be the interest of the people above, whose interests at present are hostile to the salmon laws.

4410. Do you really think that there are many of those fishermen who, if they saw a large salmon on a shallow spawning bed, could resist, or would resist, more particularly if the possession of the spear was made legal, the temptation of securing that fish at once, or that they would wait a year's time for the fly fishing?—In the first place, you say if my proposition of spearing were made legal, but that is not accurately putting it, my proposition was to make the spearing legal for six days in the year. In the second place, one man possibly, if he saw a fish, would be inclined to take it, but if the whole country side were against him, he would pause before he ran the risk.

4411. Your opinion is that the whole country side would be against him?—Unquestionably.

4412. You think that simply by reversing the law that now prevents the capture of young salmon, you would make the whole country side most favourable to the preservation of the old fish on the spawning beds?—Quite so; I mean in reason. I did not mean to say every individual man, but the overwhelming majority of the country side.

4413. With regard to the spearing, I think I understood you to say that you would wish to make it legal for six days during the season?—Not for my own sake, but because some of the neighbouring proprietors have suggested it to me. They tell me that their part of the water is peculiar; there are large stones in it very close together, and fly fishing is impossible, unless there be a great flood; we have very few floods, and unless a flood happens at the proper season of the year they have no chance of catching any salmon at all.

4414. Would you limit the time to any hour or day?—That is a matter of detail; I would.

4415. Over about what time would you limit it?—I would certainly make it from, perhaps, eight o'clock in the morning until six o'clock at night.

4416. Not at night?—Unquestionably not.

4417. Would you wish to impose any license on this privilege for spearing?—No, not beyond the 1 *s.*, as I have already suggested for other things.

4418. You would put the same license on all?—Yes, the same license on all; the shilling would cover everything.

4419. Do you consider that a person who might have a fancy for this implement might not remonstrate and say, why should I pay for this, you have the whole season for rod fishing?—It would be only 2 *d.* a day, besides he could rod fish also.

4420. But to put it in another way why should the rod fishermen pay so little?—My object is to make the salmon laws popular with the working classes and with the farmers. Our farmers are very poor people, and 1 *l.* a year is too much for them to pay.

4421. Have you ever propounded these suggestions in any way to your Board of Conservators, and do you think that they would be received by them?—No, I have not propounded those suggestions to the Board of Conservators. I look upon them as my natural enemies.

4422. Have you ever propounded these suggestions to any of the neighbouring gentry; to the magistrates for instance?—Yes, to many of them.

4423. Do you find many that agree with you?—Yes, most of them agree with me.

4424. The majority of them agree with you?—Yes; I think that the majority of the magistrates resident in Radnorshire (I would not say Brecknockshire), and the great majority of the people would agree with me.

4425. Have

25. Have you consulted many of them lately, re you came up here?—Yes, I saw some of at the court of quarter sessions.

26. Did you mention to them that you were ng up to give evidence?—Yes.

27. May the Committee understand that in statements which you propound, you are ng the opinion of the majority of the magis- s for the county of Radnorshire?—No, de- lly not; I decline to involve any person but lf; you must summon them before the mittee if you wish to ascertain their views.

28. You say that many of them agree with but you do not put yourself forward as their hpiece?—Unquestionably not.

29. You merely state your own opinion, and dy else's?—Just so.

30. Mr. *Hambro.*] As your views are so rent from the views of the other persons we have had before us, I will ask you this tion: did I understand you that because you the present salmon laws bad, you have r, as a magistrate, taken any steps to enforce ?—Unless the thing were brought before unquestionably not.

31. They never have been brought before I suppose?—Yes; I have sat upon the h when salmon cases have been brought re it.

32. Did you ever convict anyone?—I was ne bench within the last three or four months n a man was convicted, but my vote was nst the conviction.

33. *Chairman.*] What penalty did the strates impose upon that man?—There was nalty of 1 *l.* imposed upon him; perhaps the mittee will allow me to mention what that was; it was this: a farmer was standing on wn farm by the side of the river, and that er's own workman was standing about a le of hundreds yards off; the salmon watcher e that he was about 300 to 400 yards off, as as I can remember; he stated that he saw man looking into the river. The watcher asked if the defendant had thrown anything ne anything to the river, and he replied, no; as simply looking into the river; but the her swore that he had a rod or stick over houlder, and that at one end of the stick e was a large hook; that he went towards and that the man broke the hook off the ne stick, and put it into his pocket, all of h the defendant denied.

34. He was fined for that, I suppose?—Yes; as fined for that, one pound and expenses.

35. Have any complaints been made of the luct of your bench of magistrates to the ne Office by the board of conservators of district?—Yes, I believe so.

36. In what year was that complaint made? think it was three or four years ago; there e none made about me.

37. You were not there at the time, I sup- ?—No; I was not at the sessions.

38. Do you know what the answer of the ne Office was?—No, I do not.

39. You have never heard if the Home ce advised that legal proceedings should be n against the magistrates?—No; they did do so that I know of.

40. That you are positive of?—I am pretty ain of it, because the gentleman you allude to friend of my own, and knows I agree in his 52.

views, and I think I should have heard of it if proceedings had been taken.

4441. Is killing these young salmon very fine sport?—It is very fair trout-fishing sport.

4442. It seems to me, that if you kill a great portion of the young salmon and the old fish on the spawning beds, you are killing the goose that lays the golden eggs?—In killing the old fish, unquestionably that is so.

4443. I thought that you advised killing the old salmon on the beds, by spearing them?—No, not on the beds.

4444. Then in what part of the river would you do that; in deep water?—There would be plenty of old fish remaining after spearing and rod fishing end.

4445. Then would you kill the old fish when they have spawned?—No.

4446. Would you kill them before they have spawned?—I would kill them immediately before the close time.

4447. Is not the object of the fish coming up, to spawn?—I would kill them before the close time; a fish in the estuary is coming up to spawn.

4448. I do not know what close time means, in your mind; will you be kind enough to explain it?—The close time is for the fish to lay its eggs, in order that eggs may be hatched.

4449. That seems to me very much like killing a bird on its nest because you cannot kill it when it is flying?—It does not seem so to me; I kill it before it goes to nest.

4450. Mr. *Assheton.*] I have been a good deal astonished by your evidence, I must say: I take your plan to be this; that if the Legislature will give you the privilege of catching young salmon with the rod, and the privilege of spearing old salmon on the river beds for six days in the year, you are willing to give up what you take to be your privilege as a Briton of murdering the old salmon on the spawning beds?—No.

4451. Those are not your views?—No; you misinterpret them. My views are these: Suppose the Legislature said to me, "Mr. Haig, you have a good many acres of land which are very good breeding grounds for sheep. I have some rich powerful proprietors in the low country who are very fond of good mutton, and they wish to send their ewes up to your hills in order that they may bring forth their lambs there in health and safety, and I desire that you shall not meddle with those ewes when they come up there to eat your grass, and that when the lambs are born you shall not meddle with the lambs until my friends in the low country send up for them, and then you shall deliver them up to them or let them away without a shilling of payment." Most people would say that was contrary to common sense and justice. Now the Legislature says to me, "There are certain great fishery owners down near the mouths of rivers whose fisheries are valuable property; we determine that these men shall have their old salmon go up to your river, there to spawn; they are to eat up the food of your trout, they are to bring forth their young salmon, and we determine that you shall allow the whole of those young salmon to come down without any payment whatever." I simply say that that is, in my opinion, contrary to common sense and common justice; and if I see people willing to aid me in altering that law I will support them in every way I can.

4452. You say that I do not interpret your views correctly; but first, am I right in saying

Mr. *G. A. Haig.*

12 April 1870.

that you think it is desirable that the young salmon should be caught with rod and line?—I do think so, as a reason for interesting the people in general in preserving the fish.

4453. Am I right in saying that you think that for six days it should be legal to leister salmon?—I do; because there are proprietors who would otherwise have no interest in preserving the salmon; and again, I say it is for the interests of the fishery generally that that privilege should be allowed.

4454. Am I right in saying that if you got those two privileges, you would cease to wink at the salmon being murdered on their spawning beds?—If those two privileges were granted, I should exert myself as a landowner and use the influence which I possess over my tenants and over my work-people, and over my poorer neighbours, to urge upon them not to destroy the salmon, and to point out to them that their interests were then bound up with mine in preserving the salmon to the highest possible extent.

4455. You think that we might then also calculate that you would give your assistance to the magistrates in carrying out the laws?—I cannot say, and no one can say, that I have not exerted myself as magistrate when anything has been proved and officially put before me; I have done my duty as a magistrate.

4456. Mr. *Liddell.*] Are the six days during which you wish to regulate the use of the leister, to be the last six days of the open season?—I may say this with regard to those six days; I, as a landowner or fishery owner, have no interest in spearing the fish at all, but some proprietors in Radnorshire have; and when it was first put before me I thought it would be a very dangerous thing; but hearing their opinion about it, I thought it possible that it might be advisable to allow six days for spearing the fish during the last three weeks of the rod fishing; two days a in each week, in order to secure their co-operation in preserving the salmon during the close season.

4457. There are some proprietors, and a large number of poachers, I presume, who would be very much interested in the question of spearing the fish?—I really cannot say that.

4458. But as a matter of fact, do you not view the use of the spear as the most destructive mode of poaching salmon that there is?—It is a very certain mode of killing your fish.

4459. Do you not suppose that if this permission were granted by law a very large number of people would turn out for the purpose of leistering the fish?—Very possibly they might.

4460. That is to continue six days in the autumn every year you say?—No; not six successive days; two days in the week for three weeks.

4461. What is the object of that?—To let the fish go past. Suppose you divide the upper waters into three; a fish down here, in my opinion, would have no chance of passing on the spearing day, and then come a couple of days when they have a chance of passing, they rush up; the man in the middle would prevent a certain number of fish passing, but in spite of that they would ultimately reach the spawning beds, besides which, more would come up after rod fishing closed.

4462. But do you think that a great number would ever reach the spawning beds at all, under this law?—Yes, I am satisfied that they would; they have the nights always free.

4463. Would enough reach the spawning be for the purpose of supplying the river?—Y undoubtedly.

4464. In what condition would the fish b would they be good for food, or full of roe?—I c hardly say as to that, because I do not think th I ever myself saw a large salmon in Radnorshi

4465. But at that period of the season, the fi being in the vicinity of the spawning beds, wou lead you to suppose that they would be very f of roe, would it not?—I should say so naturall but seeing it was open water they would still legal and clean fish.

4466. But, in addition to this, you propose give the whole population the power of catchi the young fish without let or hindrance?—Y but with rod and line only.

4467. You know that the young fish are ve greedy, and take the fly very readily, do y not?—Yes.

4468. If the old fish were to be destroyed b fore they spawned, and the young fish destroy wholesale after they spawned, do you not thi that the Wye would very soon cease to be salmon producing river?—No; there would very much more fish, I think.

4469. Why do you think so?—Because eig years ago there were four times as many you salmon in my rivers as there are now, showi plainly that your legislation has not succeed in my part of the country, at all events; befc eight years ago the people were not interfer with in fair rod-and-line fishing; neither by t landowners on the banks of our river, nor anyone else.

4470. Your argument is, that fair fishing wi fly or rod will not injure any salmon river? That is my argument; you may take as ma young fish as you please if taken with the r only.

4471. And you say that idea is entertain by many gentlemen besides yourself?—Ye that idea is entertained by many gentlem round my part of the country.

4472. If you obtain this free permission to u the rod and line, would you be willing to wai the very dangerous proposal which you ha made with regard to spearing the old fish?—U questionably, so far as I am concerned; and believe there are only a couple of proprietors Radnorshire who really ask for the right spearing the old fish.

4473. I have no doubt there are a great ma persons, other than the proprietors, who would very glad to have permission to spear the salmon?—Possibly there are; but I do not thi that the people are what you think; I thi the people are more reasonable than you fancy

4474. But is it not the fact that there is extreme difficulty experienced by everybody w wishes to preserve a river in Wales, in carryi out his wishes?—None whatever, if he goes t right way to work.

4475. Do you know North Wales?—No; can only speak about my own neighbourhood.

4476. You do not find a determined resistan on the part of the population to any legislati with regard to the preservation of the fish? None whatever, provided they are fairly de with; I do not know whether I have any rig to state it; but I may say, to show that there is ill-will among the people to preserving, that I ha nearly 3,000 acres of land, and that I was ve anxious to have game upon it; the people rou th

Mr. G. A. Haig. 12 April 1870.

e were in the habit of going over every one's to shoot; I tried having a gamekeeper, and it d; I tried it for several years, and failed; I dismissed my gamekeeper, and I went round ll my farmers, and I asked them as a personal ur to myself, to look after the game a little heir farms. I said that, according as my son d the quantity of game, I would make them a present at the end of the shooting season; formed the labourers around, many of whom e in my employ, that if there was a fair amount game upon the property, they should all have inner once a year. I believe since then they e had as much as they could eat and drink, ll kinds, and perhaps more than they should e ate and drank at the annual game dinner; and consequence has been, that the following year d a considerable head of game, and the year r that a great deal more, and this last year, g the third year, my property had a very t quantity of game upon it.

477. Mr. *Hambro.*] Does not that prove to that when you take care of the old birds and hens, immediately the breed of game in-ases?—On the contrary; the conclusion I draw is this: I act according to human nature. I make it the interest of those men that my game should be preserved, as I want you, gentlemen, to recommend the House of Commons to make it their interest and my interest, that the salmon should be preserved; and I think that would be followed by the same result.

4478. *Chairman.*] Have you had many cases of prosecution under the Salmon Fishery Act before your bench?—No, not when I have been there; perhaps a couple.

4479. Do you always issue summonses when they are applied for?—Unquestionably.

4480. You generally impose the minimum penalty, do you not?—As a general rule, the minimum penalty is imposed, unless it is a second offence.

4481. Instead of 1 *s.*, what do you make it?—A 5 *l.* penalty. I may state that the penalties are paid, and there is no doubt the penalties are paid by the people round subscribing; by having meetings and tea parties, and things of that kind.

4482. Have you anything else to bring before the Committee?—No, I think not.

Mr. John Lloyd, jun., called in; and Examined.

Mr. *J. Lloyd*, jun.

483. *Chairman.*] You live at Huntington rt, near Hereford, do you not?—Yes.

484. You are a Conservator of the Wye and Fishery, I believe?—Yes, of both districts.

485. And a magistrate for the county of cknock?—Yes.

486. And you are also Secretary of the gling Association upon the Wye?—Yes.

487. I believe that you have given very great ntion to the subject of salmon fisheries?—, for 14 years.

488. You are a practical fisherman, I believe? es, with both net and rod.

489. And you are also an owner of fisheries? am an occupier of angling and net fisheries.

490. Has your attention been specially cted to the defects in the Acts of 1861 and 5?—Yes.

491. At present we have the Special Com-sioners and Inspectors?—Yes.

491. Do you propose that any change should made with respect to the Special Commis-ers and Inspectors?—I think there should a central fishery board, the same as was re-mended by the Royal Commission of 1861, which Sir William Jardine, Mr. Ffennell, Mr. Rickards sat.

492. Of how many members do you re-mend that that board should consist?—Five.

493. What class of gentlemen would you e appointed as members of that board?—tainly, one barrister and one engineer.

494. And one naturalist?—Yes.

495. Would you have one of the responsible bers of the Government; the Home Secre-, or some one of that kind, on the board?—; I think that some one on the board should directly responsible to Parliament, as it would nvested with considerable powers.

496. Would you give the board powers to e bye-laws for the regulation of the fisheries? es, I would give powers to that board, but to boards of conservators.

497. You would not, in the first instance, local boards power to make bye-laws?—No.

4498. Would you give the proposed new board power to alter the annual close season?—Yes, I would give the power, but so that a certain fixed period should remain; there should be a limit within which the variation is to be made, so that there would be a certain annual close season for the whole of England.

4499. Would you give power also to vary the present weekly close time?—Yes.

4500. That would depend on local circumstances, would it not?—Yes, rivers are of different sizes; long rivers requiring a much longer and perhaps a varied weekly close time, whereas in short rivers the present weekly close time answers very well.

4501. You recognise the circumstance that there are early and late rivers?—Yes; but to a great extent that is the result of man's interference.

4502. Then, as I understand you, you would give power to regulate the weekly close time to meet those circumstances?—Yes.

4503. Would you give the central board power to make regulations, in the nature of bye-laws, to determine the number of nets, the form and length of the nets, and the places where they should be used?—Yes, especially with respect to places on rivers near dams where nets can be most destructively used.

4504. And occasionally where the tail race of the mill joins the mill-stream?—Yes; I would give power to make regulations with respect to all those places which are traps or hindrances to the fish, and which give peculiar facilities to the working of nets. Where there has been a net used of custom for a number of years, I think in some instances compensation should be paid for the abolition of the net.

4505. Would you, then, propose to give power also to define the limits of a river, above which it should be illegal to use nets in the night time?—Yes; I was desired by one or two conservators to press upon the Committee the fact that net fishing at night in fresh water is very destructive, and prevents the fish ascending.

Mr. *J. Lloyd*, jun.

12 April 1870.

4506. You would prevent net fishing at night time altogether?—Yes, in fresh water. I think where it is proved that a fishery is very much injured by the prohibition, compensation should be paid, but power should be given to prevent night net fishing in fresh water.

4507. That is merely during the night season?—Yes.

4508. But you would regulate the use of the net under all circumstances, I suppose?—Yes; there is a net called a beating net—it is a trammel net—which is the only net that can be used for a very long distance in rivers, and, for instance, among those rocks of which a previous witness spoke.

4509. You have in your rivers a fish called the sewin, have you not?—Yes, in the Usk; but not in any appreciable quantity in the Wye.

4510. Would you propose to regulate the size of the mesh to be used in rivers where there are sewin, or would you give the board power to do so?—Yes; you must have a small mesh in rivers where there are sewin. The mesh of nets used on the Wye was formerly 2½ inches, it is now two inches, and we wish to have it changed back.

4511. Would you also recommend that there should be rules for the regulation of all nets used in fishery districts?—Yes, for the regulation and registration of all other nets than those used for the capture of salmon.

4512. Do you contemplate that the board exercising the powers which you have mentioned should make reports annually to Parliament, such as the inspectors do now to the Home Office?—Yes.

4513. Do you approve of the manner in which local boards are now constituted?—I think that the license holders should have a voice in the election of the board.

4514. Do you think it desirable that there should be a change in that respect?—Yes.

4515. That change, I presume, would be in the direction of giving representation to license holders for nets?—Just so.

4516. I suppose you would confine that to those who pay license duty in the open waters?—No; to the occupiers of fisheries generally.

4517. To the exclusion of the owner?—He might be an *ex officio* member.

4518. Then in that case you would give double representation, would you not; where you have an owner of a several fishery in the tidal waters, he would have representation on the board, and would you give his tenant also representation?—Both owners and occupiers would seldom be represented. I propose that for every certain amount of license duty paid, one member should be elected by the license-holders; say, that there should be perhaps three or four elected on the river.

4519. Do you think it desirable that the board should have power to levy a rate on the riparian owners?—Yes; the present license duties are quite insufficient. On the Usk, the funds are assisted to the extent of one-half by private subscription. On the Wye, there are not funds enough to preserve the river properly; the fact is that the landlords make no reduction in rent in consequence of the imposition of the license duty, and therefore the whole revenue of the board, apart from rod licenses, is paid by the tenants; the owners have scarcely contributed 1 *l.*

4520. Then the occupiers of the fisheries have a corresponding advantage in the increase of fish, have they not?—That has not been the c for the last two years in the fresh water; I c not speak for the estuary.

4521. Do you think that compulsory pov should be given to the boards to purchase fish mill dams, fishing weirs, and fixed engines, wh they interfere with the salmon fishery?—I thi with regard to fishing weirs and fishing mill dar power should be given to buy them under a circumstances. The river is a commonwealth, which all are interested; and I think that fishi weirs should be bought, at fair compensatic whenever the money can be found for that pu pose.

4522. Do you think that whatever the exte of the milling interest may be, it should give w if the fishing interest is larger?—Those fishi engines, to which I have alluded, are part of t fishing concern on the river; they are not t same as the mill dams, factories, and ironwork which come under a different category. M opinion is, that with regard to all monopolisi fixed engines, there should be power to buy the

4523. Would you say that the board whic you suggest should be constituted with pow to make purchases of that kind?—I think th boards of conservators should be able to do that

2524. Perhaps with the sanction of that cer tral board?—Yes.

2525. Upon the terms of their making fu compensation under the Lands Clauses Act?— Yes.

2526. I believe that you have been fortunat enough, upon the Usk, to buy the whole of th weirs?—We have been fortunate enough to bu the Trostre Weir, which was a fishing mill dam having previously put a pass in the weir, an from that date the river has been made, in a its upper parts, a salmon river.

4527. It was not so previously to that, wa it?—No.

4528. Did you purchase that property by vo luntary agreement under the permissive power of the Act of 1865?—Yes.

4529. What price did you pay for it?—£. 70

4530. Was there a mill attached?—Yes, th mill was of little value; small corn-mills are o little value now-a-days.

4531. Did you buy the mill, or merely th dam?—We bought the dam, and the materials o the mill; we then made a 30 feet opening i the weir, and let the water down with grea rejoicing.

4532. Do you think that there are many othe weirs throughout the country that may be deal with in a similar manner?—Yes, a great many of them; rivers should be released from thraldom to those different weirs.

4533. You know the Umberleigh Weir, I sup pose?—I have been to see it.

4534. It is on the Taw, in Devon?—Yes that river is destroyed as a salmon river by that weir.

4535. Is that mill a valuable one?—Perhaps worth 40*l.* a year.

4536. I suppose it would very well repay the fishery proprietors to purchase it at a very hand some price?—Yes; that is a fishing mill dam and a fishing weir; the river is divided by an island; on one side it is a fishing weir, and on the other side it is a fishing mill dam; it is Mr. Bassett's weir.

4537. It is very complicated, is it not?—It is very

y complicated; there would be no necessity destroying the milling power if the rights of ery at the weir were purchased; you might ke passes through which the fish could ascend fectly well, and you need not hurt the mill.

538. The Umberleigh Weir is one of the weirs t have been inquired into by the Special Com- sioners, is it not?—Yes; I have seen it since alteration was made.

539. Under their direction an alteration was de in that weir?—Yes.

540. Is it tolerably successful?—No, it is very satisfactory, I think; I know that if I were a prietor in that river, I should consider it very satisfactory.

541. Do you know my part of the country all?—Yes, I know the Tees.

542. Did you go down to see the Dipsdale n?—Yes; that is in a most unsatisfactory state, hink.

543. Did you go for the purpose of seeing t dam?—Yes; Mr. Surtees asked me to go.

544. Having seen that weir, have you formed y opinion how it might be advantageously lt with?—It is rather an awkward weir.

545. Is there a very valuable mill there?— ; that is an instance where I should recommend being bought and pulled down.

546. You think that compulsory powers ould be applied in such a case as that?—Yes, lo.

547. It is some distance from any town, is it t?—Yes; it is quite an out-of-the-way place ar Middleton-One-Row.

548. Then do you think that there should be inquiry by the Special Commissioners, or a nple enactment that a pass should be made?— ; I think that an inquiry is not necessary.

549. You think that a pass should be made any weir in which it was necessary?—I would ve power to boards of conservators and the ner of the weir, jointly to make a fish pass in y weir.

550. You would make the millowner con- ibute towards the cost?—As he creates the struction, or as his predecessor has done so, I ink it is only right that he should contribute wards the cost.

551. Suppose he has had it for centuries, and inks he has the same right to it as you have wear your coat, would you then make him cur some of the expense?—Yes.

552. You would deal with him in the same ay as a man who had erected a weir 10 years o?—Yes; I think it is a clear wrong, and that should be called upon to do his share in tting it right.

553. As I understand you, you would not ve weirs inquired into by the Special Commis- oners; you would treat them all as illegal?— hey are all a barrier to the ascent of salmon.

554. You would have the owner of the mill something towards removing the evil?—Yes.

555. Have you seen the evidence which the ommittee have had before them with regard to enings in dams?—Yes; there is no difficulty making openings in the great majority of the eirs; in 99 cases out of 100 there is no diffi- lty. I have made several such openings my- lf, and the weirs have sustained no injury.

556. Have you read the evidence of Mr. aterson and Professor Rankine?—Yes; I have en the evidence given last year.

557. Do you adopt the principle laid down by them?—I have my own views with regard to details, and forms of passes; but it is quite practicable to cut such an opening as they spoke of.

558. You say that you would have the passes made at the joint expense of the owners of the fishery and the owner of the weir?—Yes.

559. Would you have it maintained in the same way afterwards?—For a certain time I would; perhaps for three years, to see that it was all right and strong, and then it should lapse to the owner of the weir.

560. With regard to the cost of construction, you would draw no distinction between a weir that had existed from time immemorial, and one that had come into existence within the last 10 years?—You cannot do that without an inquiry, and it is the cheapest and best way to enact that it shall be done at once, for the good of the country.

561. But does not it appear to you that the miller may reasonably complain of that?—Why should he complain of it? I consider him the wrong-doer.

562. He having been in possession of it for, say 800 years. Would you compel the owner of a large weir, when the water is not being used for milling purposes, to place a sluice at the head race so that the whole may go through the fish-pass?—Yes, it is very much needed.

563. With regard to gratings being put at the head of tail races and mill leats, what do you propose with regard to that?—I think that boards of conservators should have the power to provide at their own expense gratings at both tail and head races; that is an expense that would properly fall at first on boards of conservators, and then the gratings might be maintained afterwards by the mill-owners.

564. There, again, I suppose, you would act regardless of the time during which the leat had existed in its present state?—I think so without reference to time.

565. Do you think that water-bailiffs should have the power to traverse the banks of all salmon rivers?—Yes, when in the exercise of their duty, but I think they should wear some distinguishing badge.

566. Are your water-bailiffs usually county policemen?—No, on neither of our rivers.

567. Would it, in your opinion, be a convenient thing to extend the principle on which we act in the north, of having water-bailiffs who are also appointed under the Police Constables Act under the control of the chief constable, but to be paid by the Fishery Board?—I have no practical experience of that; the fear is that we would only get a few constables; for the money which we now expend in water-bailiffs we get more men; constables are more expensive men than water-bailiffs, and there is a difficulty in our wanting an extra force in the winter which we do not want in the summer; but I believe that the employment of constables is resorted to in some districts, and I see no objection to the plan, where a fishery district is wholly in one county.

568. Do you think that the 5th section of the Act of 1861 requires amendment with regard to pollution of rivers?—Yes, fish are poisoned by lime and chloride of lime very frequently; it is a practice very much on the increase. The Malicious Injury to Property Act of the 24th and 25th Victoria, relating to private fisheries, says that a man shall be liable to imprisonment

Mr. *J. Lloyd*, jun.

12 April 1870.

for this very offence, but for anything that he may do in contravention of the salmon laws he may get off with a fine.

4569. You agree with other witnesses that the Larceny Act should be extended to salmon?—Yes, it is very desirable.

4570. Would you limit net fishing for salmon in estuaries during the night?—No.

4571. Would you make any special provision with regard to night poachers for salmon the same as there is for game?—Yes, as to night poachers and persons disguised with blackened faces, or carrying firearms, or more than a certain number.

4572. Do you think it desirable that all boats used in salmon fishing should be numbered?—Yes.

4573. Both for their own sake and for the sake of the salmon rivers?—Yes, both for their own sakes and for the sake of the salmon rivers.

4574. You have instances, I believe, where great damage is done to your river by canal navigation companies?—Yes; on the Usk there is a canal which takes away from it the whole of the water in dry seasons.

4575. Do they use it for other purposes than those for which the companies were formed?—Yes; they use it for a great many different purposes, and in large quantities. Those are modern uses which they now supply, and to meet those modern uses they drain the river more than they did thirty years ago; they have no compensating reservoir. The trade on the canal is not one-tenth of what it was 20 years ago, and yet much more water is abstracted from the river.

4576. Do they in many cases sell the water?—Yes, they sell the water largely; in fact, the canal is the river in summer, and the river is a pond. I may add that there is one stream which I know (in fact, it is the Wye itself) which was under the power of a navigation trust which has lapsed. A man might tip a barge load of stones into the middle of the stream, and there is no one to interfere; one of the tributaries, the Lug, is blocked up by one of the old navigation locks; there is no authority to look to it; there was a dispute between two of the landowners which should repair it, and it ended by one of them bricking up the lock.

4577. In all cases of that description where the navigation trustees have ceased to exist for the purpose for which they were originally formed you would have the works removed?—Yes; and in the absence of any Parliamentary measure I should give that power to the central board.

4578. Have you any suggestion to make to the Committee with regard to eel-traps?—Yes; I would suggest that they should be removed between the 1st of January and the 1st of July. I have seen the practical difficulty of eel-traps in the autumn months, in October, November, and December. At that time the fish are going up to spawn, and then, even on moderate freshes, the eel-trap may be so worked as to leave your pass dry. I am of opinion that no eel-traps should ever be worked, except so that there should be water left enough for the fish pass. The eel-traps may damage your pass.

4579. The 13th section of the Act of 1861 imposes a "penalty on any company or person not erecting gratings to prevent the descent of salmon into artificial streams," would you extend that to artificial channels for irrigation purposes?—Yes; I would extend it for every purpose except the supply of water to mills; it will not do in practice to have too close a grating for mills. There is a difficulty with regard to the words "passage of boats," in same section. The clause has been held to mean that the grating must not interfere with the supply of water, which is, I think, not the meaning of the clause. It is intended to refer only to the passage of boats to and from any canal to a navigable river.

4580. Do you think that the Special Commissioners should continue in office for some time to complete the work they have in hand?—Yes, and to inquire into the question of fixed engines claimed by the Crown. There are several of those fixed engines on the Wye and also on the Severn. I think there should be a certain time stated, after which date all fixed engines should be held illegal, otherwise a person in 20 years time may say, I have a fixed engine, but I was never called upon to prove my claim. I think there should be a time after which all fixed engines, not inquired into, should be declared illegal.

4581. Perhaps you are taking care to get the Special Commissioners to certify, with regard to every instrument in your district, whether it is legal or not?—I believe that in both the Wye and Usk districts, with some exceptions, the work has been completed.

4582. Therefore every fixed engine has been adjudicated upon in one way or the other?—Yes, almost.

4583. With regard to the sale of salmon in the close season, do you propose to extend it?—A great many salmon are sold in some parts of Wales, as dried salmon, in the winter months, which fish have been killed in the close season. They are illegally caught and sold as dried salmon, and so the provisions of the law are evaded. I see no objection to a person being found in possession of dried salmon being called upon to say where he had it from.

4584. Would you provide also that trout shall not be sold between the 3rd of November and the 1st of February?—Yes.

4585. Why would you make that provision?—Because it is illegal to catch them during that period.

4586. That is under the Act of 1865, is it not?—Yes.

4587. Do you think that there is a necessity for providing some mode of proving a previous conviction?—Yes, there is considerable difficulty with regard to that; some of the magistrates hold that the conviction must be stated in the summons. Again, there is a difficulty in obtaining the certificates of the previous convictions, as the records are filed by the magistrates' clerks very irregularly. I had to bring that forward in the court of quarter sessions myself, last session.

4588. Has there, generally, been a considerable increase in the quantity of salmon since the Act of 1861 was passed?—Yes, certainly.

4589. Has that advantage been experienced chiefly in estuaries?—Yes, in estuaries.

4590. Are your riparian owners somewhat discontented with the existing state of things?—Yes; I believe there is considerable discontent.

4591. Is that attributed, rightly or wrongly, to the excessive use of nets in estuaries and in tidal waters?—It is, and in fresh water also; I think the tendency of licensing is to increase the amount of destructive engines; as the funds available

vailable for preservation increase, the number of destructive engines increases *pari passu*.

4592. The Committee have heard from Mr. Walpole that there is a considerable extent of valuable breeding ground from which salmon are hut out by mill weirs, do you agree with that evidence?—Yes; perhaps even more so than by pollutions.

4593. Are many of those mill weirs of comparatively little value?—Yes; I will give an instance; I was applied to a day or two ago about a grist mill, which are common mills in Wales; I made a proposal to the old tenant to give him a 21 years' lease, at 10 *l.* a year, and he has not accepted it yet; we had much talk about the value of mills in Wales; he said, Now-a-days people ought to have mills for nothing, and the land attached to the mill ought to pay the whole rent; the trade was so bad, and likely to be so bad, that they were not worth having.

4594. In your opinion, is it impossible that there can be any further increase in the quantity of salmon unless the breeding grounds are more freely opened up?—They must be opened up, otherwise the productiveness of rivers will come to a certain point, and there it will stop; some rivers 40 to 50 miles long are shut up.

4595. Where it is necessary for that purpose to interfere with existing mill dams, you would contemplate paying adequate compensation?—Yes; I do not recommend taking compulsory powers to purchase all mill dams. I would take powers to purchase all fishing mill dams and fishing weirs; and only in exceptional cases would I purchase mere mill dams.

4596. You would take powers, as I understand you, to construct fish passes compulsorily?—Yes.

4597. Mr. *Lowther.*] You have alluded to the Dinsdale weir; are you aware that any offer has been made to the owner of that weir for it?—Yes.

4598. That is to say, a distinct offer was made to buy it?—I think I have heard it, but it is simple hearsay.

4599. Have you come into contact with the Duke of Beaufort?—Yes; I was a member of a fixed engine committee which was appointed in the year 1867; three gentlemen were appointed a committee to make the first report to the Special Commissioners of the different fixed engines in the River Wye. We were members to attend this court, and in the case of any engines that we considered of a doubtful character, and to which the claim could be opposed successfully, we were to oppose them. Similarly on the Usk I was instructed to make a return for the Usk Association of the number of engines there; the Duke of Beaufort is an extensive proprietor of fixed engines on both rivers; and in consequence of the opposition which I offered to his claims he has taken offence.

4600. He was put to considerable expense, was he not?—Yes; he employed a barrister to support his claims, and he had a solicitor from London, and a number of witnesses were called; it cost him a considerable sum of money, because the barrister and solicitor attended four or five courts.

4601. The Duke had been a subscriber to the Wye and Usk Board?—Not to the boards, but to the association, before the boards were formed.

4602. In general his claims were good, were they not?—Yes, most of them were maintained. I think he lost 2,200 putchers, but nearly all his claims for stop nets were proved.

4603. Is your board so constituted as to be a fit tribunal to pass bye-laws affecting the rights of property?—No, I am opposed to giving boards of conservators power to make bye-laws. One bye-law might touch the upper men, and another the lower men; it would be sometimes carried by a narrow majority, and hostile feelings would be aroused between the different proprietors; it is better for an independent authority to settle all those points.

4604. I understand from you, that you think that very long possession of weirs, dams, and so on, ought not to be taken much into consideration, and ought to give way to the salmon interest?—Yes, I think so.

4605. Mr. *Assheton.*] It has been suggested by some of the witnesses who have been examined before the Committee, that boards of conservators should have the power of making bye-laws under the sanction of the Home Office; if that suggestion was carried out, would it not practically amount to this, that the Home Office would be the people who made the bye-laws, and not the boards of conservators?—Yes, the final approval being left to the Home Office would constitute them the arbiters.

4606. Would not that get over the difficulty that you were suggesting just now, when I understood you to say that if the power of making bye-laws was left in the hands of boards of conservators it might lead to unpleasantness where there was that narrow division?—I am rather against the Home Office having that power; I do not think that they are firm enough in the way they carry things out; I think they want a little more vigour.

4607. Would you make your central board a political board, that is, would you have it vary with a change of ministry?—No, I would have it a fixed board.

4608. Have you found a difficulty arising from not being able to graduate your net licenses in different parts of the river?—No, we have not experienced that in the rivers that we are connected with, though I am not speaking for the Usk or the Wye Boards, but giving simply my own views.

4609. What are your own views?—When I have been present at different meetings I have never found any difficulty; there have been no complaints made at those meetings of the unfairness of the amount of license duties.

4610. Do you consider that the present maximum license duty of 5 *l.* for a draught or hang net is sufficiently large?—I think it is so with the rivers with which I am connected; but I can easily find a net elsewhere several hundred yards long, and in that case it is not nearly sufficient.

4611. Do you think it reasonable that a person fishing a pool a considerable distance up a river should pay as much as a person fishing in the estuary, catching 10 times as many fish?—No; I think that they should pay a license duty according to the catch, which would be according to the place where the net is used. There is a very large net on the Teify, for which they only pay 5 *l.*; it is many hundred yards long.

4612. You think that they ought to pay more, as I understand you?—No doubt; not in the river where I am; it has not come before our board.

Mr. *J. Lloyd*, jun.

12 April 1870.

4613. We arrive at the same conclusion by different routes?—Yes.

4614. Have you paid any particular attention to the subject of hang nets?—No, they are not used in our rivers.

4615. Can you give any information with regard to general licenses?—There was one applied for to us, but there was never one granted.

4616. Would you interfere at all with the present state of the law with regard to common trout?—No, except with regard to the sale of trout in the winter.

4617. You would restrict the sale in the winter?—Yes; it is illegal to catch trout between the 3rd of November and the 1st of February, and as you see them on the fishmongers' stalls between those periods it is desirable that the sale should be prohibited.

4618. It is illegal to take the trout, but not to sell them?—Just so.

4619. And you think that it should be made illegal to sell them?—I do.

4620. Mr. *Liddell.*] You spoke of one general license having been within your knowledge applied for which was not granted?—Yes, I think that one general license was applied for.

4621. Do you know the ground on which it was refused?—I am speaking of a circumstance which occurred four or five years ago; I am not quite sure about the exact circumstances.

4622. That application was made to the Fishery Board, I presume?—Yes, and I think that the applicant himself withdrew it. I think it was a question of getting a vote on the board, and I think he obtained it by paying 50 *l.* license duty himself, and therefore he got votes for himself or his men, and became a member of the board.

4623. There is another answer that you gave which I did not clearly understand; you spoke of the tendencies of licenses being to increase the number of destructive engines, will you be kind enough to explain that?—Was it not in reference to the necessity of taxing the owners?

4624. It was entirely on the supposition that the man who paid for a thing would, *pro tanto*, be debarred from using that thing; but did I not understand you to say that the tendency of the licenses was to increase the number of destructive engines?—I was arguing in favour of a rate on the owners of fisheries, and I said that licenses were at present raised from the tenants only, and that therefore as you required money for the protection of rivers under the present system, that money could only come from the increase of destructive engines; and, therefore, as your income is increased, the destructive engines will be increased, so that you could never husband the strength of your river for any time.

4625. I think you have alluded once or twice to the last two years; have not the last two seasons been wholly exceptional seasons?—Yes; there have not been such seasons for a long time.

4626. For drought?—Just so.

4627. Consequently arguments and expectations, founded exclusively upon the facts of the last two seasons, are not reliable?—No; we should consider the last two seasons a blank in the history of salmon cultivation.

4628. Colonel *Edwardes.*] I think you said in answer to the Chairman, that a great many salmon were taken in some parts of Wales and kippered, which had been originally taken in an illegal time of the year; do you allude to any particular part of the country?—It was not in Brecknockshire, nor in Radnorshire, but somewhere more westward than that.

4629. I understood you to say that you would put the onus of proof on the persons who exposed the fish for sale?—Yes, I would certainly recommend that.

4630. Would it not be rather a strong thing to go and find kippered salmon in a shop, and say, "Tell me where you get that fish from"?—I am not for harsh measures; I have just heard a witness make a recommendation about salmon being speared for a few days in the year, but if you give any loophole, the whole herd will run through.

4631. Have you spoken from your own personal knowledge of these things going on in the western districts of Wales?—We had in the Brecknock district a large burning or leistering party; we overhauled the carts that were taking off the fish: those carts were going with the fish to Carmarthenshire; I sent the superintendent down into Carmarthenshire, and he came back with the report that there was a regular trade to Carmarthenshire in those dried fish, and that they were being exposed in every fishmonger's shop.

4632. Your Brecknockshire fish were being exposed in fishmongers' shops, in Carmarthenshire, were they?—Yes, and their own Towy and Teify fish also.

Tuesday, 26th April 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Staveley Hill.
Mr. Dodds.	Mr. Knatchbull-Hugessen.
Colonel Edwardes.	Mr. Liddell.
Mr. Hambro.	Mr. William Lowther.
Mr. Herbert.	Mr. Pease.

JOSEPH DODDS, Esq., IN THE CHAIR.

Mr. ALEXANDER MILLER, called in; and Examined.

Mr. *A. Miller.*

26 April 1870.

4633. *Chairman.*] You reside at Chepstow, o you not?—Yes.

4634. Are you a member of the firm of Miller Brothers?—I am.

4635. Are you lessees of extensive fisheries in he Rivers Wye and Severn?—Yes.

4636. Are you, in fact, lessees, under Mr. Ashworth, of the Severn fisheries and the Galway fisheries also?—Yes, we are lessees of both.

4637. How long have you been engaged in almon fisheries?—I may say that I have been ngaged in it from childhood; 28 or 30 years. Ve have other fisheries also.

4638. You are acquainted with the Scotch almon rivers as well as with the English and rish rivers, I presume?—Yes, I am acquainted ith a number of Scotch fisheries.

4639. In the River Wye you are lessee under he Duke of Beaufort, are you not?—Yes; we ease the Duke of Beaufort's fisheries on the Vye, Colonel Rock's, the Monmouth Corporaon fisheries, Mr. Bannerman's fishery, and Mr. udge Herbert's fisheries (these are on the Vye with Mr. Lloyd's), also the Duke of Beaufort's fisheries on the Severn; we are lessees nder Mr. Ashworth, Mr. Holford, M. P., Mr. ollins, and others.

4640. Altogether, I suppose, you pay a very arge annual sum for fishery rents?—Yes, we ay the Duke of Beaufort about 500 *l.* a year for is fisheries.

4641. Is that the Severn and Wye put toether?—That is the Severn and Wye put toether.

4642. What is about the aggregate amount of ent which you pay for salmon fisheries, taking altogether?—Galway I could not give the item or, because it is fluctuating according to the atch of fish, but for the Rivers Wye and Severn is between 600 *l.* and 700 *l.*

4643. Can you give the Committee within 00 *l.* that of the Galway fisheries?—I should ay it would be about 1,000 *l.* to 1,200 *l.* last year.

4644. On what principle is that regulated; do ou pay a fluctuating rent on the gross of the alway fishery?—In the Galway fishery we ay a fixed rent of 500 *l.*, and after a certain mount of money we pay 20 per cent. on the ross sales.

4645. I suppose the 500 *l.* represents a certain quantity of fish, and then you pay a rent beyond that?—The 500 *l.* is a fixed rental, whether we catch fish or not.

4646. You do not begin to pay the additional rental until you have caught a certain quantity of fish?—Just so.

4647. You have a fixed rent, and then what is called in mining a tin-tale rent beyond that?—Yes, quite so. The Duke of Beaufort's fisheries are held the same way; that is to say, after the first seven years of our lease if the fish amount to a certain sale we give him 20 per cent., but we have never come anything near that yet; and we have the same arrangement with Mr. Ashworth on the Severn.

4648. Are you, generally speaking, tenants from year to year, or do you hold underleases for terms of years?—We have a two years' lease on the Galway fisheries; we have a 21 years' lease with Mr. Ashworth on the Severn; a 21 years' lease with the Duke of Beaufort on the Wye and Severn. Mr. Bannerman's is 14 years, and Colonel Rock's is the only fishery we hold from year to year. Mr. Lloyd's fishery is also on lease.

4649. Have you, in those long term of years, any special provision for determining the leases?—The Duke of Beaufort very kindly said, when we took the fishery on a 21 years' lease, that he did not wish to have anything hung round our necks like a mill stone for 21 years; but that on six months' notice at any time previous to the opening of the season, he would relieve us of the burden, but that he should take no part to put us away.

4650. But with regard to the general principle, is it not usual to have power given either to the lessor or lessee, to determine the lease before the expiration of the full term?—It is generally that both parties must agree at the seven or the 14 years; that is it with Mr. Ashworth.

4651. Is there that power to determine the lease by either party at the end of seven or 14 years?—With Mr. Ashworth, there is that power.

4652. Therefore such leases are not binding for a longer period than seven years?—No; but both parties must be agreeable in the case of Mr. Ashworth; but the Duke of Beaufort's is binding, as far as he is concerned, absolutely for 21 years.

Mr. A. *Miller.*

26 April

4653. Are the rents which you paid during last year, in excess of the rents which you paid in previous years?—No; they are standard rents in compliance with the leases.

4654. How long have you been lessee of the Severn fisheries?—The first year's lease with the Duke of Beaufort, was in 1864.

4655. Are the rents the same at the present time as they were then?—Just the same; they remain so for the term of the lease.

4656. Has the take of fish increased since 1864?—No; it has fluctuated.

4657. Is it much about the same?—In 1865 or 1866, it was rather a good season for fishing; but during the last three years, it was very poor fishing.

4658. Do you attribute that to any particular cause?—The dry seasons have a good deal to do with it.

4659. I think you gave considerable attention to the Bill introduced into Parliament by the Government last Session?—Yes.

4660. Did you petition against that Bill?—Yes.

4661. On what ground did you petition?—We confined ourselves particularly to the 20th section of that proposed Bill.

4662. Is that with regard to the power to make bye-laws?—Yes, entirely with regard to bye-laws.

4663. Do you think that a provision of that kind would have been injurious to the fishery interests in which you are concerned?—Yes, I think it would have been very injurious to the interests of our fisheries.

4664. On what ground do you think it would have been injurious?—The description of the nets, and the size and the manner of using them, that is the first point; I think that the description, the size, the length of nets to be used in private properties would be very injurious particularly to the fisheries we are connected with.

4665. And therefore you would be opposed to any power to interfere with the kind of net, and the manner of using it?—Yes, more particularly when you give a power to a body of conservators which we consider would prejudice our interest.

4666. But if it were found from experience that the kind of net, and the manner of using it, was destroying in a great measure the fish in any particular river, would you think it unreasonable that that user should be regulated so as to preserve the fish?—The system of nets used there has been carried on for 300 years, and they will not even take their proper share of the fish.

4667. You think the character of the nets is such that they cannot tend to destroy the fishery?—Yes, they are the stop nets; this is the model of the stop net that we use in the Wye and Severn fisheries. (*Producing a model.*)

4668. Is that the only kind of net that you use in the Wye?—There are one or two draught nets; two or three, perhaps.

4669. Those are ordinary draught nets?—Yes.

4670. This is the one that you commonly use?—Yes, it has been in use upwards of 300 years.

4671. I suppose it was proved before the Special Commissioners, that that kind of net had been in use for 300 years?—Yes, and they gave a certificate for it, and should not be further interfered with.

4672. Will you describe to the Committee the kind of net, and the mode of using it?—The mode of using these nets is, that they are against the stream, and lashed down with rope.

4673. The net is used entirely from a boat it not?—Yes, it is used entirely from a boat.

4674. It is in the shape of a bag, is it not?—Yes, it is in the shape of a bag; it is stretch by two spars, which we call rames; we ha those two rames which the net is attached and then three poles.

4675. The rames have the effect of keepi the mouth of the net open, I suppose?—Y they have the effect of keeping the mouth the net open; the rames stretch from 32 to feet.

4676. How deep is that transverse rope bel the surface of the water?—The rope is som thing like from 2½ feet to 3 feet below the su face.

4677. That is to say, the upper side of the n is kept at something like from 2½ feet to 3 fe below the surface of the water?—Yes, th stretch is, and the other part of the net is clo up to the side of the boat, but it is regulated b the men according to the rush of the tide.

4678. Is your boat anchored?—It is fixe with the three poles which you see in th model.

4679. And kept in a fixed position in th river?—Yes (*explaining the action of the net t the Committee*). This net is put over the boat and the current is coming against the net.

4680. Do you speak of the ebb or the flow the tide?—Of the flow of the tide.

4681. The current is running up the river?—Yes, the current is running up the river.

4682. Do you fish both during the ebb an flow of the tide?—Sometimes.

4683. But generally, I mean?—Generally w fish during both tides.

4684. You are describing the mode in which that net is used during the flow of the tide?—Yes, the three poles are placed behind the boat, which keeps the boat fixed in a permanent position against the flood.

4685. Is the bow of the boat down the stream?—No, the bow of the boat is athwart the stream.

4686. Broadside on?—Broadside on; those poles keep it fixed broadside on.

4687. The poles are fixed in the ground, are they not?—Yes, the poles are fixed in the ground. They are about 32 feet long.

4688. How many feet does the tide rise at that point?—From 45 to 55 feet.

4689. Is that the ordinary tide?—That is spring tide.

4690. What is the ordinary tide?—The neap would be about 10 feet less perhaps.

4691. Then, as the tide is flowing in that direction, how is the net manipulated?—The net is still used, and when the tide gets too high for the poles to stretch to the bottom the boat moves a-shore. They luff the boat, which moves and stops again nearer the shore.

4692. In shallower water?—In shallower water, in order to escape the greater power of the tide.

4693. The tide flows very rapidly up the Wye, does it not?—Yes, it flows up at the rate of nine miles an hour in those spring tides.

4694. Then, when the fish strikes the net, what happens?—The man in the boat has his hand on the net always. He has the bag of the net in his hand. The moment the fish strikes the net he knows it as well as a rod fisherman when he hooks a fish,

sh, and he jumps on the top of the rames, which ows the net out of the water, and then the fish ecured. They catch the fish and kill it; they n take it out with a little trap door in the net, then the net drops down again.

695. The fish after it strikes the net is taken , and the net is reset almost immediately?— , the ropes which attach the rames from the om of the boat, are regulated by a man accord- to the rush of the tide.

696. During what period of the tide can you with that net?—About low water, from per- s an hour before the flood, but we fish on the .

697. Can you fish at dead low water?— .

698. And from that time up to what time of flow?—An hour, or an hour and a quarter, r the flood, that is to say, in the spring of the s; in neap tides it would be different.

699. During what period of each tide have fish a free run up the river; during what iod of each tide are you unable to fish?—We fishing from an hour to an hour and a half r the flood, or up to two hours in neap s; we fish about two hours and a half on flood, but we do not fish on the ebb tides, neap tides; in the flood we fish for two rs, or two hours and a half; after that our t is unmoored and comes home; they do not e out again until they are in time to take ir places at the flood.

700. You fish night and day, according to the s, do you?—Yes, we fish night and day, ac- ling to the tides.

701. And you might fish uninterruptedly, h the exception of about an hour or two each ; is that so?—We fish for an hour and a half, wo hours during each tide in flood, and that is within the 12 hours.

702. Do I understand you to say that for hours in each tide the fish may run up?— m the great rush and rise and fall of tide in Wye and Severn, our time of fishing is very ited; for instance, in neap tides we fish about and a half hours per tide, in spring tides we from one and a half to two hours, and only a ited number of boats can stem the fearful of tide, and these boats fish very im- fectly; and owing to the very extensive kly close time, we are unable to fish more n 10 tides per week. This will show that we ot fish more than five hours per day for five s each week; putting this at 10 hours per gives us two and a half days fishing each k. Mr. Buckland alludes to this in his last ort of 1869, at page 21. Again, our net fish- begins about the middle of April (we cannot much before then), and ends on the 31st of gust, that is four and a half months fishing in season, and out of that four and a half months, 0 hours per day, limits our fishing to about en weeks fishing during the season.

703. The circumstances to which you have referred, in your opinion, make the fourth -section of the 20th clause of the Act of last r very objectionable?—Yes, very objection- e.

704. Are nets, such as you describe, very erally used throughout the country?—No, I eve not; they are the only class of nets that be used in the Wye and Severn.

705. Are they used anywhere else, to your wledge?—I do not know; there are the same .52.

nets further down in Wales, I believe, but I have not seen them.

4706. You have never seen similar nets used elsewhere?—No, never; it is the only mode of fishing that can be used in the estuaries of the Severn and the Wye.

4707. The objection you have mentioned may not apply to other districts?—No, my objection is entirely confined to the Wye and the Severn, so far as it relates to our nets, and that only in the Wye district.

4708. In describing the net and the manner of fishing, you have passed over some nets to which I believe you wish to call the attention of the Committee; will you turn again to the first sub-section of clause 20; I think you consider it very objectionable that anyone should have the power to determine the size of the mesh of the nets?—Yes.

4709. Why do you object to anyone's having the power to determine the size of the mesh of the nets?—Any further extension of the mesh of the nets would be very injurious to the owners and lessees of private fisheries; especially the stop-net fishing; I confine myself more particularly to the stop-net fishing; fish of four or five pounds escape through the stop nets.

4710. Is the mesh required by law to be two inches from knot to knot?—Yes.

4711. And through that mesh fish of four or five pounds escape?—Yes, we catch a few five pound fish, but they generally escape.

4712. If the net were made larger, larger fish would pass through, I suppose?—Yes, if the net were made larger, fish of five pounds to seven pounds would escape. In nets of two to two and a half inches of mesh, such a fish would escape through them; a fish of seven, eight, and up to 10 pounds would all be caught by the gills or shoulders, or what is called hanged, and so disfigured, that they would not be fit for the market; I should not like to recommend them for sale.

4713. Have you in your extensive experience occasionally seen fish that have been caught by the gills?—Yes, I have; I have used the hang nets.

4714. Does it affect the flavour of the fish?—Yes, very materially so.

4715. Injuriously, of course?—Yes, injuriously and its general appearance; it knocks the whole of the scales off the fish; there are marks about the body, and that part of the body of the fish is black.

7416. It would become putrid very soon, would it not?—Yes; it is a great depreciation in the value of the fish.

4717. Can you give the Committee any idea of the extent to which it depreciates the value of the fish; suppose a good fish is worth 2 *s.* a pound, what would be the value of a bruised and disfigured fish?—Perhaps, 8 *d.* or 1 *s.*

4718. It would diminish its value nearly one-half?—It diminishes the value nearly one-half, not quite one-half.

4719. On the average, you think that the value of a fish would be diminished one-half through being captured in that way?—Yes; in the putcher fisheries on the Severn, the fish are not nearly so bruised, but they are marked and disfigured; the scales are knocked off, and we do not get nearly the same price for them as we do for our net fish.

4720. How much less do you get for that kind of fish?—Fourpence or fivepence in the pound would be about the difference.

 4721. But

Mr. *A. Miller.*
26 April 1870.

4721. But what would be the proportion?—They are not so much destroyed as they are by the hang net.

4722. To what proportion would it diminish the value of the fish?—To about one-fourth.

4723. You have said that you think the hang nets depreciate the value about one-half?—Yes; in my experience that is so.

4724. You give this evidence as the result of your experience?—Yes; I give it as the result of my experience.

4725. The mesh of the net you use is about $8\frac{1}{4}$ inches, is it not?—Yes; we generally do that to keep within the law. The two-inch mesh has given great satisfaction in all my experience of salmon fisheries throughout the three kingdoms.

4726. You think it is very good, do you?—Yes; I think it is very good, and that it ought not to be tampered with.

4727. You would give power to make it neither larger nor smaller?—Just so. I would leave it as the 10th section of the Act of 1861 has defined it. The draft nets are so constructed that they contain, a portion of them, an eight-inch mesh, and a portion of them nine inches, and some of them up to 11 inches. We consider them as arms or leaders to the proper nets.

4728. May the Committee understand that you approve of the eight-inch mesh for all kinds of nets, or merely for the stop net which you use in the Wye?—I wish the Committee to understand that I should not wish to see a law to compel it to be more than eight or nine inches. I allude to the 10th section of the Act of 1861, which properly defines what I mean.

4729. Your opinion now applies to all nets, and not merely to the particular net you use in the Wye?—I am confining myself, in the evidence which I give, to the stop net and draft net fishing.

4730. But is it the fact that the proprietors of fisheries on the Tay have found it necessary to reduce the mesh of the nets?—Yes; they have reduced it to seven inches, I believe, in certain parts of their nets.

4731. You think that objectionable, I suppose?—No; I do not object to it on the Tay, because the Tay contains a good many trout.

4732. Do not many salmon rivers contain a good many trout?—The Wye contains a very limited quantity of trout.

4733. But where there is a considerable quantity of trout in any salmon river, then, possibly, you think that a smaller sized mesh might be used with advantage?—Quite so.

4734. Mr. *Liddell.*] You are now speaking about sea trout, I presume?—Any kind of trout; I am speaking of the migratory trout.

4735. *Chairman.*] Did your objection to clause 20, of the Bill of last session, apply equally to the second sub-section, which was intended to provide for the manner of using the nets?—Yes, I thought that very objectionable.

4736. I suppose you think that practical fishermen like yourself know more about the best manner of using nets than boards of conservators?—Yes, and we have more at stake, and practically the experience and knowledge of lessees of fisheries must be superior to that of country gentlemen who have never been so much accustomed to net fishing.

4737. But all the fisheries that you occupy in the Wye belong to noblemen and gentlemen, like the Duke of Beaufort and so on?—Yes.

4738. Therefore would they not take care t your interests were protected?—Their intere are identical with mine, and their views are id tical with mine.

4739. Then from whom do you apprehe danger if a power of this kind is conferred boards, subject to the sanction of the Secreta of State?—The majority of the boards of cons vators are the upper proprietors.

4740. I suppose you would not have many fi in the estuaries and tidal waters unless the upp proprietors took pains to preserve them duri the breeding season?—I do not admit that th protect them, because we pay a license duty f the protection of the fish.

4741. Do you also object to the third sectic which empowers boards of conservators to va the rate of license duty in different parts of t same districts?—I think that ought not to be i terfered with much; I always find in boards conservators, particularly on the Wye, where vast majority of them are of the upper, and n of the lower fisheries, that we can never car our motion; we have never done it as yet.

4742. You are in a very excellent part of th Wye, I believe; but suppose the case of a ma using similar nets to yours, but 20 miles high up the Wye, where, if he had a good season, h could not take half the number of fish that yo do, would it not be reasonable that there shoul be power to make a graduated scale of licen duties, having some reference to the quantit of fish likely to be taken?—I had not take into consideration the case of other people abov me.

4743. But I am alluding to the tidal waters —We have all the tidal and fresh waters.

4744. Then take the case of a rod fisher immediately above the tidal water, a goo many fish are usually found there, I suppose?— Yes.

4745. And in the extreme upper portions o the river, very few fish are usually found; would it not be reasonable that there should be powe given to charge a higher license duty betwee certain points where the fish are more abundant and a smaller duty higher up where they are scarce?—The season of the year has a great dea to do with it; there may be some seasons on the Wye, when there would be no fish caught in the estuary.

4746. But speaking entirely of the fresh water on an average of years, surely more fish are caught within five miles above the tidal limits by rod and line, than 50 miles higher up the river?—That, I do not object to.

4747. Then you think that a varying rate of license duty in one river might be reasonable?—I am willing to meet them in every way; I confine my objection to the tidal waters.

4748. Is it not the fact, that in the tidal parts of the Severn, a very much greater quantity of fish is caught down near the mouth of the Wye, than 30 miles higher up the Severn?—Yes; but in the Newnham fisheries of Mr. Ashworth, we have got to pay the highest license duty.

4749. That is 5 *l.*—Yes.

4750. You have only one rate throughout the district at present, have you?—Just so. If the Severn is rated as you mention by a graduated scale, it will make a great difference, because the fisheries above us have caught more fish than we have, and they pay 1 *l.* less license.

4751. Do you think that on the average of years

rs they would take more fish than you do?—believe so; I speak of some of the fisheries ectly above Newnham.

4752. Mr. *Staveley Hill.*] Below Gloucester? Yes.

4753. *Chairman.*] Quite in the estuary?—s, the tide flows up.

4754. You object to any alteration of the ekly close time I understand you to say?—I object to any alteration of the weekly close ie altogether.

4755. But if the weekly close time were exded, what effect would it have on the men you ploy?—It would have this effect: that I uld not get men to fish my fisheries at all.

4756. Having idle time on their hands, would y spend it unprofitably?—They could not ke the wages; it would not pay them to do it.

4757. I suppose they are a very sober class of n that you employ?—Some of them. I can- get men to pick from; I must take almost yone; they cannot make wages enough to ince them to remain with me.

4758. Would you abolish the weekly close ie altogether?—No; I would not go so far as it.

4759. I thought you regarded it as a fallacy? I have seen no beneficial result from it in any ieries whatever.

4760. I believe that in the years 1867, 68, and 1869 you paid about 300 *l.* per annum license duties and for protection and waterliff's wages?—Yes.

4761. You employ water-bailiffs yourself, I lieve?—Yes, we are forced to keep a staff of n on the estuary, but it cost scarcely so much last two years as in previous years.

4762. Do you object to the 5th sub-section of use 20 in the Bill of last year?—That amount money was not for license; it included wages l different things put together for the protecn of the Wye.

4763. Do you pay a license duty for each net at you use?—Yes, I take out a license for ery net.

4764. Do you think that the license duty uld be continued to be imposed in the same y, or that there should be a personal license the man using the net?—If it was a personal ense in private fisheries, it could not succeed. am limited to a certain number of stop nets on e Wye; my men change about; sometimes they away and leave me altogether, and I have to d other men; therefore it could not pay a man take out a personal license. Public fisheries uld be differently dealt with.

4765. Do you object to the provisions of the h sub-section, whereby it was intended to reire that all licensed nets should be properly arked, and the fishing boats numbered, so as to able the officers of the board to identify the ts and boats?—I do not think that there has er been the least difficulty about that; in my n district there has been no difficulty.

4766. But you have no objection to a provision that kind?—Certainly not; I should be happy do anything I could for them.

4767. Then your objection, as I understand, tends entirely to the power to make bye-laws? Yes, bye-laws of that character.

4768. You would have everything within the ur corners of the Act of Parliament?—Yes; I e no necessity for any change, as far as our heries are concerned. The great complaint with my men is, that it is too extensive a weekly close time already.

4769. You refer to the time occupied by your men in fishing during certain months?—Yes, from the time they stop fishing on Saturday until they commence on Monday morning again.

4770. When do you commence fishing?—About the middle of April.

4771. Have you begun this year?—Yes, we have begun.

4772. When did you begin?—A few of my boats opened the last week in March.

4773. Did they catch any fish?—There were only three salmon caught the whole of the time in March.

4774. Since then have they caught many?—We have had few fish since then.

4775. Have you been pretty successful?—No, but we have been more successful with the small number we have caught; we have had them a fortnight earlier this season.

4776. Will you tell the Committee briefly when some of your boats were fishing during one or two months last year?—The 3rd of May was about the time that our boats made a full beginning last season.

4777. Did they fish a little in April?—Yes, a very few. On the 8th of May the boats were out fishing the shore at three o'clock in the morning.

4778. How long did they continue fishing?—They fished for about two hours and a half per tide. On Monday morning, the 10th of May, the boats went out fishing at 3 p.m.

4779. The state of the tide prevented their going out earlier, I suppose?—Yes, because of the weekly close time intervening. On the 6th May the boats were ashore at 10 o'clock in the morning; on Monday few of the boats were out fishing at seven in the morning. On Saturday, the 22nd, the boats were ashore at 3.30, and on the following Monday they were out fishing at 2 p.m.

4780. They were not able to fish between half-past three on Saturday morning, and three o'clock on Monday afternoon?—On Monday afternoon, at three o'clock, we should go out to fish, but we could not operate until six o'clock, and then the tide was over.

4781. The effect of the tides is, that the weekly close time is frequently much longer in tidal waters than the time fixed by law, is it not?—It is much longer in the Wye and the Severn; but with other rivers, I have been connected with, we could fish during six hours of the tide.

4782. They would not be affected to nearly the same extent, I suppose?—Just so.

4783. Can you mention some other rivers?—The Tay can be fished from the open time on Monday morning, up to every hour on Saturday.

4784. Do you mean in all parts of the Tay?—No; I speak of the middle part of the Tay; the lower fisheries are confined to the tide again, but they have six hours longer than we have got.

4785. But all men that fish in the tidal water, as a rule, have a longer weekly close time than the time fixed by Act of Parliament.

4786. A very great deal longer?—That arises from inability to fish at certain states of the tide, does it not?—Yes.

4787. You suffer more in the Wye than elsewhere,

Mr. *A. Miller.*

26 April 1870.

where, because the flow of the tide is so much greater?—Yes, I know that from experience.

4788. Very likely, when you are fishing, you are more successful?—No, not in two and a half hours.

4789. I believe that you have made some comparisons between the produce of the Tay and that of the Wye; you do not consider the Wye is at all to be compared to the Tay as a salmon river, do you?—The Tay is not a very great deal larger than the Wye.

4790. But it is very much better adapted for salmon fishing, is it not?—The spawning grounds are not much better.

4791. But the estuary is better for catching fish, is it not?—Yes.

4792. Have you anything on the Wye anywhere to compare with the Tay near Stormontfield for a few miles below Perth?—The Wye has very nice places for fishing in it from Monmouth upwards. There are some parts of the Wye as good to all appearance as the Tay. Do you mean for catching fish?

4793. Yes; as a salmon producing river will any portion of the Wye bear comparison with the Tay for 10 miles above Perth Bridge?—Do you mean rod or net fishing?

4794. Fishing of any kind?—I do not know.

4795. Is there any 10 miles of the Wye similarly situated with regard to the tide that you would take in preference to 10 miles of the Tay, from Taybridge at Perth upwards?—I should not take the Wye in comparison, because there is not the catch of fish.

4796. In fact the Tay is a very much better salmon river than the Wye, is it not?—It has been longer under cultivation.

4797. But do you think that the river Wye may be made as good a salmon river as the Tay?—I hope that it may be made much better than it is.

4798. But do you think that it may be made as good a salmon river as the Tay?—In proportion to its size it ought to.

4799. What kind of cultivation would you apply to the river Wye to make it as good as the Tay?—Proper protection.

4800. What kind of protection do you allude to?—Protecting the fish on the breeding grounds.

4801. Of course allowing them to get up to the spawning ground first?—Yes, the natural habits of the fish are very peculiar. They will not leave the estuary until the spawning time comes round without some great inducement in the state of the water to take them up.

4802. Did your objection to the Bill of last session apply also to the 12th clause?—Yes, I merely alluded to that. I did not see how it could operate on private fisheries.

4803. What difficulty do you apprehend from that?—A man fishes for me. Assume that he is fishing my stop boat, perhaps he may leave in the night just at the very moment that I required him to go fishing, and I should have to go and search for the water-bailiff or some one else to put the name to that license.

4804. Do you engage those men by the tide or by the week?—By the catch of fish.

4805. But do you engage them for any fixed period of time?—There is a fixed period understood, but we can never get them to keep to it.

4806. But is there a fixed period agreed upon?—For the fishing season.

4807. Do you not punish those men if th break their agreement?—No.

4808. Might not that have some effect up them if you did?—I think it is a bad thing to and have to punish men, when there is such body of them that if you do so others will follo

4809. How many men do you employ, general speaking, on the River Wye?—We employ b tween 50 and 60 men on the Wye and Seve altogether.

4810. Have many of those men been in yo service several years?—Some of them have be in my service all the time I have been ther We change every year, and sometimes in th middle of the season.

4811. You have printed and published son reports on the Wye, the Lug, and the Monnow —Yes; a report on the Wye, the Severn, an the Lug.

4812. Is there any point in connection wit that report that you desire to mention?—N nothing particular.

4813. Did you, in the month of March 186 report upon the Monnow and its tributaries?- Yes.

4814. In that report I observe you point t the great necessity for constructing fish-ladder over weirs?—Yes.

4815. Have you paid much attention to tha subject?—I have paid considerable attention t that subject. I was connected with the Galwa river for the last seven years.

4816. You know quite well the effect produce by the construction of a pass on the Galwa river?—Yes.

4817. We have heard that that has very muc increased the number of salmon in that river?— It has been the cause of a great increase in th number of salmon.

4818. You know, I suppose, how much the fis taken there may be worth a year?—It has no been for the last two or three years nearly s good, but fisheries fluctuate much.

4819. Take the first year, if you please, and give me the value of the fish taken?—I cannot do that.

4820. Is it many thousands a year?—It was a few thousands a few years ago, but falling off.

4821. Before that, there was comparatively nothing, was there?—Before that, it was let at 80 *l.* a year, and the man could not make it pay.

4822. Is much required on the Wye and its tributaries, with regard to fish passes and facilities for the fish getting to the spawning ground?— There is very little with the exception of the Monnow and the Lug; there are eight or 12 weirs on the Monnow.

4823. You reported also in the year 1867, did you not?—Yes, I made a report in January 1867, on the Severn.

4824. Was that an inspection and report made at the request of the Board of Conservators of the Severn fishery district?—Yes.

4825. You then pointed out the weirs that required to be overcome by means of fish passes or in some other way?—Yes.

4826. Do you know anything of the Trostre weir which we hear has been removed?—No.

4827. Is that on your river?—No, that is on the river Usk.

4828. Is there anything else that you wish to bring before the Committee?—With regard to the time of fishing in the Severn and the Wye, I speak of the time of fishing during the week, and if

calm weather sets in, as it generally does in ly and August, our Severn boats are scarcely fishing for a whole week; we cannot catch when the weather is calm.

4829. Do the fish see the net?—Yes.

4830. And they go underneath it, I suppose? Yes, and beyond it; the water gets clear on top, the mud settles down, and we need rcely get out; we have no fishing for some ee, four, or five tides a week; week after ek our boats never get out.

4831. Have you any suggestion to make to Committee with regard to the annual close e?—No.

4832. Do you think it is at present as good as can be made?—Yes; I do not see the pro-ety of any change.

4833. Do you approve of a varying close time roughout Great Britain, or would you have it nain absolutely fixed?—I prefer it as it nds.

4834. There is power in the existing law to ry it, is their not?—Yes; but I have found difficulty in that; but we gave up the Fe-nary months for the Wye, some two or three ars ago; we cannot use it now, there is a power der the Home Office, which shuts February t with us.

4835. You do occasionally catch fish early in year, do you not?—Yes, we fish in March, t February is shut out.

4836. But when you do take fish in March and ril, you get the finest fish, do you not?—Yes, get the finest fish at that time.

4837. One good salmon, captured in March, is rth two captured in July; is that your expe-nce?—Yes, that is my experience.

4838. You have spoken of good seasons and l seasons; can you account for those good ason and those bad seasons?—No man can ac-unt for it.

4839. But you can account for it partially, presume?—We may say that dry weather has great effect upon it.

4840. And on the other hand, I suppose, ex-ssive floods have great effect?—Yes, excessive ods have a great effect upon it. If we have a g drought in the river, the fish will not take t river.

4841. On account of the clear state of the ter?—Yes, and also it becomes rather putrid; smells and tastes badly. Another thing which s great effect upon the Wye is the sheep wash-g; if we have a flush of water shortly of the eep washing, every fish in the river will make way for the sea.

4842. It drives them out of the river, does it? Yes, it drives them out of the river; scarcely y fish are caught after that for a few days.

4843. I suppose the water is to some extent isoned?—Yes, the water is to some extent isoned.

4844. Mr. *Liddell.*] Do you mean every fish, th clean and unclean?—There are not many un-ean fish at that time of the year, but nearly all the h go down to the sea; I should not like to say very fish.

4845. Do you believe that the fact of the pollu-on of the water by the sheep washing turns the ean fish back to the sea?—Yes.

4846. Can you prove that?—We have found ean fish that have been lying for some time in e pools down the lower estuary again.

4847. *Chairman.*] There is a very great deal of sheep washing on the River Wye, is there not?—Yes; that has a great deal to do with the fisheries on the Wye.

4848. That can only affect the fish for a very short period about this time of the year, I suppose?—Yes, but even without that if there is a flood in the summer season, a few of the fish that have been up will turn back again.

4849. Mr. *Liddell.*] They will turn back again without having discharged the functions which nature intended them to discharge when they ran up the river?—Yes.

4850. *Chairman.*] Referring again for a moment to your objection to any increase in the size of the mesh, I think in the former part of your evidence, I understood you to say, that the value of a salmon is diminished one-half by its being caught in a hang net?—Yes, there is a very great diminution in the price, the value, appearance, taste, and flavour of the fish.

4851. In fact the commercial value of the fish is diminished one-half?—Yes, take it in comparison with the fine fish which we get at the same markets, though some people do not know it.

4852. In your experience, a fish caught in an ordinary stop net, like that of yours, is worth double as much as a fish of the same weight caught in a hang net in the same place?—Yes.

4853. The fish being previously similar in every respect?—Yes, it is a very great drawback on the quality of the fish; that is the principal reason of my objection to that clause to extend the mesh of the nets.

4854. You would neither have a maximum nor a minimum, but you would confine it to two inches, if I understand you rightly?—Yes.

4855. Mr. *Herbert.*] You object to an increased close time at the mouth of rivers, if I understand you rightly?—I am quite satisfied with the law at it stands.

4856. You have stated that very often you were very long without being able to fish in the sea, on account of the tide?—Yes.

4857. But if you are so much longer without being able to fish, why should you object to make into a law what is now really the practical result?—I am quite willing to give something up to the upper country people to reconcile the matter as far as possible. The September month would be our best month for fishing; I do not ask that; it is my desire to let that go for the upper country people too; I want what is fair and right.

4858. What do you think is fair and right in this matter?—I let them have that month also, as they have got that extension of the weekly close time.

4859. You would like to catch all the salmon except during the weekly close time, from whenever you begin, up to September, and then you would put off the upper proprietors to September, when the fish are no good?—I do not wish to catch all the fish.

4860. All the fish, except in the close time?—No; I do not wish that.

4861. Is not that the tenor of your evidence?—No.

4862. Would you put back a great many fish, if you thought you had caught too many?—We never can catch our share.

4863. How can you make out that the fisheries in England have decreased by excessive fishing, generally speaking, if the lower proprie-

Mr. *A. Miller.*

26 April 1870.

tors have not over fished the rivers?—I confine myself to the Wye and Severn; I am not aware that they have decreased.

4864. But is it not a well known fact?—We have what Mr. Walpole says in his evidence; fish have doubly increased.

4865. Do you mean of late years?—Yes.

4866. Have they not increased very much in Ireland?—Yes.

4867. Is it not a known thing, that that increase has taken place since the new Irish Act came in?—That was dealing with estuary fisheries; I do not mean to say that it has been the cause of that.

4868. But have they not increased?—Yes; if we can believe what we read.

4869. Is it not your firm belief that they have increased?—The Galway fishery has not increased; I speak of rivers only that I know.

4870. Do you lease one of the Galway rivers?—We have it yet.

4871. You said, I think, that a fish pass had very much increased your fishing, and that that was the only reason for the increase of the fish?—Yes.

4872. Do you not think that if the fisheries increase, they are increased also from a greater number of fish being able to get up to the spawning beds?—Yes.

4873. Then how can you reconcile that fact, of a great many more fish spawning, and a great increase of fish, with your saying that the ladder being put up is the only reason why the fish have increased?—Because there was no access to any spawning bed on the river before the ladders were placed there.

4874. Then the greater the area of the spawning beds, the greater the number of the fish spawning on the ground, and the better the protection of those spawning beds, the more the fish that will be there; is it not so?—I do not wish that too many fish should get there.

4875. But the greater the area of the spawning beds, and the greater the number of the fish that can work fairly on the ground, the greater the increase of the fishing?—Certainly.

4876. Do you not think that increasing the close time in Ireland, say some extra hours, it has been very beneficial?—It is six hours.

4877. It enabled a great many more fish to get up to the spawning beds, and it has therefore increased the fisheries, has it not?—I think that has nothing to do with it.

4878. Do you think that the upper proprietors will ever give fair protection to your fish in the upper waters, unless you give them a fair proportion of fish for the purpose of spawn?—I do not wish to keep the fish back.

4879. But will you answer my question; do you think that the upper proprietors will ever give fair protection to the fish in the upper waters, unless you give them a fair proportion of fish for the purpose of spawn?—I think that they should get a fair proportion of fish, for the purpose of spawn as well as food; it has been our whole object to meet the upper proprietors as much as we could consistently with reason.

4880. Mr. *Pease.*] Did I understand you to say, you were of opinion that the hang nets should be entirely discontinued?—No, I would not say that; that is not my opinion.

4881. You think that they might be used?—I would not like to do away with all net fishing.

4882. We have it in evidence before us, that those nets are fastened together in one river, s that they then stretch for a mile, and even so times more; do you think that that is a fair of the hang net?—Are you bringing me to swer the question quite apart from my fisheri

4883. Entirely; I am asking you as a m who has had large experience in fishing?— think that they should be under some restrain

4884. But do you think that the restra should be limited by Act of Parliament, or local bye-laws?—I think that an Act of Parl ment could do it very well; I do not believe leaving too much to local authorities, becau the upper proprietors and the lower propriet are two interested parties conflicting, and t Government should step in between.

4885. Do you think that the same length hang net can be used with propriety in all river —Certainly not.

4886. Then how could an Act of Parliame be drawn, which should define the length of t hang net to be used in every river?—It does n operate in our river.

4887. I speak of all rivers?—I cannot spe from practical knowledge; I have fished wi hang nets in the Tay, and in Ireland; I ha never considered that my nets should be long than 200 yards.

4888. There is another plan of salmon fishi in use on the Avon, at Christchurch, where thr sweep nets, in different stages, are out at t same time; while one of them is being drawn another is shot out, and another just starte those are sweep nets. Is that, in your opinio a fair mode of fishing?—The same thing is do on the Tay.

4889. But do you think it fair to the upp proprietors?—It was always considered perfect legitimate on the Tay.

4890. Would it be considered perfectly legi mate on all rivers?—It depends upon the size.

4891. Then the rivers varying in size, do y think that an Act of Parliament can embrace cases?—No; but if those nets were confined to certain length by law, that would be quite suf cient.

4892. But just now you said, did you no that you thought the same size of net could n apply to all rivers?—Just so.

4893. Does it not then come to this: that va ous nets for various rivers must be establishe by local bye-laws, confirmed by some high authority?—I separate the two different point I put public fisheries entirely apart from privat fisheries; private property should not be tampere with or interfered with so much as it has been.

4894. But how are we to do that which is fai to the upper proprietors, and prevent the estuar men getting the best end of the stick?—I coul not give a fair opinion upon that until I ha seen the mode of fishing.

4895. But as rivers vary in size, and as th length of net suited for one would be unsuitabl for another, do you see any other mode of meet ing the difficulty but that each local authorit should settle the size of net which is fair, wit an appeal to the Home Office, or some othe authority?—My answer applies to publi fisheries. I say that the public fisheries coul be dealt with by a proper Act of Parliament but there may be something in your question t me that might do something to confine thos public fisheries to certain widths of the river

Fo

instance, take the Irish Act; that names a
in width of fresh-water fishery.
96. Then, does it not require a different
of mesh in different rivers?—I am not aware
hat. But the 10th section of the Act of
contains the mesh of net that I have always
accustomed to from childhood in Scotch,
, and English fisheries.
97. You do not think that any alteration in
respect would be a change for the better?—
so far as my practical experience goes.
98. Mr. *Staveley Hill.*] What is the net
you use in the tidal water out on the Wye?
e use the draught nets.
899. How do you work it down below Mon-
ith?—We sweep it round; they pull it in and
sweep it round.
900. And then the men beat the fish in?—
, that is a beating net.
901. Do you not use a beating net; I saw
m at it?—Yes, we use a beating net.
902. How do you use a beating net?—That
un round into the pool, and the men in the
ts get inside and beat the water, and drive
fish into it.
903. And that they can keep going at any
e above the tidal influence, I suppose?—No,
water must be low.
904. But take it above the tidal influence?—
at makes no difference if there be a fresh in
water, that net cannot operate in freshes.
905. I suppose that in ordinary water you
y work all the week round?—No, it may be
inches of water over the tide level; but in
seasons it could be used.
906. What depth of water would prevent
ır using it?—Eighteen inches.
907. There is considerably more than 18
hes of water in the place which I have men-
ned, is there not?—But I mean that in a fresh
a flood coming down the Wye, they could not
that net.
908. You mean 18 inches above the ordinary
ter?—Yes.
909. During May, June, July, and August,
ı would scarcely ever have 18 inches excess
water, would you?—No, it is never used until
ut July.
910. You could use it for about three months?
Yes, it would be about two months for which
use it on the Wye; we do not use a second.
o not understand that net myself.
911. But your men do it?—Yes, but the fish
st settle down in the pools again.
912. The fishermen take all the running fish,
they not?—No, they take no running fish.
913. But they work round the pool, and take
the water?—Yes.
914. You mean that there must be time for
e fresh fish to come into the pool?—Yes.
915. They work that day and night, do they
t?—No, not at night.
916. But I have seen them at 12 o'clock at
ght?—I never knew that before; I never un-
rstood that that net was ever used at night
fore.
917. But can they work it at night?—I was
t aware that they could.
918. But there is nothing to prevent them, is
ere?—No, nothing.
919. Do you pay your men regular weekly
ges, or do they get something in respect of the
ı they catch?—They get so much in respect of
fish they catch.

4920. How do you pay those men with beating nets?—They get half of what they catch.

4921.—They sell the fish, and get paid one-half of it, or do you give them half the fish?—We must sell the fish, and then they get one-half.

4922. You do not limit them with regard to the time of fishing?—No; that is under the supervision of my brother in Monmouth.

4923. He does not go out with the beating net at night, I suppose?—No.

4924. Mr. *Lowther.*] The River Wye has been a salmon producing river for many years, has it not?—It has been a salmon producing river for upwards of 300 years, so far as we can trace.

4925. Is the Wye a late or an early river?—It has never been a very early river. There is this to be said, that my fishermen, old fishermen who used to fish at Tintern Abbey, used to kill a good many fish in January and February. That was before the passing of the Act; very lately they have not thought it worth while to put in the nets until about the middle of May.

4926. Has it altered in its character?—We are not allowed to fish at those times now.

4927. But do you think that it has altered in character with regard to being either an early or a late river?—No.

4928. Do you think that early spawning fish produce better fish than those which spawn late?—I do not know that there is any difference.

4929. You do not think that drought and mud have much effect?—No; further up the young fish go into the small streams, those streams produce the most fish. They are away from their natural enemies, and free from all interruption.

4930. Is there any rod fishing of any importance below the town of Hereford?—I do not think the rod fishing has been practised or tested as it ought to have been below Hereford. At Monmouth we allow the anglers to go and fish there, and induce the people to come and fish there. Some years there have never been any fish there; nobody could catch fish. But I have known six or ten fish caught in the season now by perseverance, when the season has not been favourable for angling.

4931. The persons living below Hereford would be interested in netting rather than rod and line fishing, would they not?—Yes, more particularly as they have a very sure way of fishing there.

4932. How many members are there on your board?—I think there are 41.

4933. I see a good many of your name on it: are they your relations?—They are brothers of mine.

4934. How many brothers have you who are members of the board?—There are four brothers of mine.

4935. The Duke of Beaufort's agent is a member of it, is he not?—Yes. Out of that list of conservators there are eight or nine lower proprietors or persons interested in the fisheries; that is what I could depend upon for carrying any motion.

4936. I suppose that a good many of those gentlemen live below Hereford?—Yes, but we are not supported by the people below Hereford.

4937. In Mr. Buckland's Report of 1869, at page 21, you say that "the fishermen never think of launching their boats till the middle of April"?—Yes.

4938. How far up the river does that apply?—That

Mr. *A. Miller.*

26 April 1870.

—That is confined entirely to the district of Chepstow; that is from Llandogo.

4939. You say further in that Report, that "the amount collected from the licenses paid in the Wye district in 1867 was over 600 *l.*"?—Yes.

4940. And that your share of that sum amounted to over 315 *l.*?—No; I think that there is some mistake there; I wish to correct that. That happens to be what we have spent on the protection, including the license duty, and the mens' wages for protecting the estuary. In the year 1867, when there was a great dispute with the chairman of the board, we had to put our shoulders to the work.

4941. Your licenses are taken out at Monmouth and Chepstow, are they not?—Yes.

4942. Will you be kind enough to describe to the Committee a lave net?—The shape of a lave net is something similar to the stop net which I have already described to the Committee; only it is worked by the hand, and there is no boat required.

4943. Where does the man stand?—He is out in the sand, up to his waist. This net extends about 10 feet across to the mouth at the lower end of it. Those nets are used by the public generally on the estuary of the Severn. They get out in the water, and the moment they see a fish coming down or up the river, they have a rush for that fish with this net, and pick it up; it is all done by hand. There are about a hundred of those nets used in the estuary of the Severn.

4944. Mr. *Staveley Hill.*] It is like a shrimp net, is it not?—It is identically the same as a shrimp net; just the same as our stop net, only about 10 feet; and it is light and handy to run about with.

4945. Mr. *Lowther.*] What license do those nets pay?—In the Severn district they pay 2 *l.*, and in the Wye district 1 *l.*

4946. How many licenses were taken out last year in Chepstow?—I think there were six licenses taken out in the Wye district last year.

4947. Do you make use of those nets?—We use three or four of them on the sands in the Severn.

4948. What do you pay for the stop nets?—£.3.

4949. I suppose you are the chief person who takes out those nets?—Yes.

4950. *Chairman.*] I suppose you are the only one in the Wye?—My brothers with me; but we are the only licensees in the tidal waters.

4951. How many stop net licenses did you take out last year in the Wye?—The Duke of Beaufort's Severn fishery has a license. I take out one in the Wye district, also; it is 14 on the Severn, and in the tidal portion, it is 51, I think, on the Wye.

4952. How many have you taken out this year?—We have not taken out many licenses yet; about 15 or 12, or 20.

4953. Is it probable that you will take out as many as you did last year?—Just about.

4954. Had you about the same the year before?—Yes.

4955. And in the year 1867?—We had more nets then.

4956. Mr. *Lowther.*] As far as the tideway of the Wye is concerned, if the annual close time was extended, should you object to it?—No; I see no objection to the annual close time being extended, but I rather prefer to leave i it is.

4957. You pay the greater proportion of board revenue, do you not?—We pay a g portion of it.

4958. And you take by far the greater s of the fish, do you not?—Yes.

4959. In this Report of 1869, it is also sta that before the Act of 1865, you voluntarily s over 300 *l.* per annum on the protection of Wye?—Yes.

4960. Was it or not a part of your agreem with the Duke of Beaufort, that you should sp 200 *l.* a year on the protection of the river Yes; but we never confine ourselves to t amount.

4961. That is to say, you spent more?—Y when we saw the necessity for it, we sp more.

4962. But you had an agreement with Duke of Beaufort to that effect, had you not Yes; but whenever the licenses came into ope tion it was to go as an equivalent.

4963. Then the word "voluntary" refers m to the agreement which you made with the Duke Beaufort?—Yes; that was more an agreem before the license duty, and if the license du was stopped now we should fall back to our us 200 *l.*

4964. Who had the fisheries before you?—M Sargent, of Chepstow.

4965. Do you know what he paid to the Du of Beaufort for those fisheries?—No; but it w considerably less than what I pay, I believe.

4966. Therefore you must take a good ma more fish to make up the rent than he did?—Y but in fact the fishery is not paying us at the pr sent time.

4967. Are you of opinion that when a lar number of fish can be killed in the estuary, it do not injure the river?—It does not injure the rive We cannot kill a large number of fish by th mode of fishing.

4968. Do you think if the nets were taken o there would be no more fish run up the river?— Not in those dry seasons.

4969. Putting aside the exceptional seasons, d you not think that if there were no fishing in th estuary there would be a larger number of fis run up the river?—Yes, if there was water to le them go up. But although the nets have bee off the last two summer seasons there was no wate for the fish to go up.

4970. Are the fish caught after the 1st o August good or bad fish?—Very marketabl fish.

4971. But you would not say that nine-tenth of them were worthless?—No, that is not correct

4972. You do not think it would be better i the early fish were allowed to run up so as t secure their spawning?—No, that would make n difference.

4973. Are you in favour of power being given to the Special Commissioners to inquir into the Crown fisheries?—I made up my mind to give no opinion on those two conflicting bodies.

4974. You have an opinion, but you would rather not give it?—I do not know that I have an opinion; I do not know, but that the two boards will be required for some time yet.

4975. *Chairman.*] I suppose you would not object to say, whether you think the same law should apply to fisheries belonging to Her Majesty

sty, as applies to the Duke of Beaufort's ries?—Quite so; I think it should be so. I the Crown fisheries on the Wye.

76. Mr. *Lowther.*] Do the Commissioners ict the use of more than a certain number opping boats? —Yes; the stopping boat is a ent system; the stopping net has two draught one of those nets is taken across the river, nade fast there. Suppose it were placed at minster-bridge, they would go up with a ght net, and sweep it into that net.

77. Did the Commissioners restrict the use ore than a certain number of stop-nets boats? — They allowed the whole amount ed on the estuary of the Severn, and the e's fisheries was allowed, all from Chepstow n to the estuary, that was 24, and I think e were only two restrictions between Month and Chepstow, that is, on the Duke of ufort's fisheries; there would be about 50 or oats that the Duke of Beaufort has the right ish. Then there is the Colonel Rock's ry, that intervenes between the Duke of ufort's; that was a small fishery that was d with some stop boats; they were abolished.

78. But before this, did the Duke of Beauuse as many as he pleased? —That was the ral number used all along before I came e, for many years.

79. Therefore, the restriction of the Comioners is not so much with regard to the boats on the Duke of Beaufort's fisheries? o.

80. Did the Commissioner require that the cular berth of each boat certified by him ld be named?—Yes.

81. Has that been done? — Yes, we have n all the names in to the Commissioners.

82. Who did you give them to?—It was into Mr. Baker's hands; the Duke of ufort's lawyer.

83. Was it the custom, according to agree- throughout the Chepstow fisheries, that the ber of the boats and the owners names, should ainted on them?—Not in my time; I put the ber on my boats myself, just to make everyg clearly understood, and I give the number y boat to any water-bailiff who comes down.

84. Now, with regard to the constitution of board, have you ever made any complaint regard to the working of the board?—My tion is, that they contest our rights at the ings; we have always done our best to keep ground.

85. But have you ever made any complaint regard to the working of the board?—No, I not.

86. But I collect from your evidence, that think it works very badly?—Yes, it is an whelming majority on one side; the lower ries are not properly represented.

87. But can that be avoided by legislation, though it be a very bad thing?—I do not about that; there are only eight members, f all the number, that we can count upon for ng any measure carried.

88. But the board is worked chiefly by an utive commission, is it not?—Yes.

89. Who report to the general board? —

90. If you disapprove of the board as it ls, could you not make any complaint?—Yes, we have always tried to meet them on the terms we could.

92.

4991. Are you one of the executive people?—Yes, I have complained to the board of their ways; I objected to all those answers to queries being sent to the Inspectors.

Mr. *A. Miller.*

26 April 1870.

4992. But you are very much in favour of the Inspectors, are you not?—I have nothing to say against either body, I like both bodies very well.

4993. You like the Commissioners well, do you?—I do not think that their work is complete yet.

4994. Would you give them more power?—I think there is a great deal to be done by them.

4995. Do you think that any measures particularly detrimental to your own interest have been proposed and carried at the board?—Yes, the 20th section of the Bill of last session has been suggested by our board.

4996. Did your board recommend a power of this kind to be given?—Yes.

4997. And you opposed it?—I opposed it.

4998. I think you have stated that you only fish for two and a half hours each tide?—Just so.

4999. Does that refer to the whole of the tideway?—Yes, that refers to the whole of our tidal fisheries, in fact our boats above the bridge are more limited.

5000. Above Chepstow bridge, you mean?—Yes, above Chepstow bridge; the tide drops away so quickly, and rises up again so quickly, that is to say, they have a more rapid fall.

5001. Do you assert positively, that you do not fish more hours above Chepstow bridge than below?—Yes; that is with the stop nets.

5002. Have you made any allowance for that in your reckoning?—I have put it over the truth.

5003. You state that you fish sometimes on the ebb as well as on the flood?—Yes, that is on the spring tides; it is an hour before flood, and about an hour and a quarter after flood; half of our floods in spring tides should only have an hour's fishing, because we cannot hold the boats down below bridge; our poles cannot touch the bottom where we want to fix the boats on the down tide, till an hour and a quarter before flood.

5004. Do you suppose that the fish never go back again?—They work up and down the tide.

5005. Have you taken that into your account also?—Quite so.

5006. At what hour in the flood tide do the boats fish?—The moment the tide turns, except in very rapid rushes and spring tides, and then they will let that first rush go back for about 20 minutes or half an hour; then they moor close to the sides in easy water.

5007. You say in the Report, that "on an average, they do not fish more than 2½ hours each tide, owing to the extreme weekly close time, and the fearful wash of the tides"?—Yes; a very limited number of boats can fish in the spring fresh.

5008. Is that worse in the spring than the neap tides?—Yes, it is always worse in the spring tides; we need not mind it much, supposing we did not put a boat in at spring tides; very often half the men will put the boat on the bank.

5009. You catch many more fish in neap than in spring tides, do you?—Yes.

5010. Do you not think that a good deal may be owing to the fact, that the run of fish only lasts a certain time, and that the men leave off

Mr. *A. Miller*
26 April 1870.

as soon as the run is over, and not because the tide prevents their going on?—No, that has nothing to do with it; the fish run up and down at all times.

5011. You think that the men do not know that?—No one can know it.

5012. But the fish run up together, do they not?—No, not in muddy water.

5013. How high up, at any time, is the power of fishing affected by the power of the tide?—It goes up to Bigswire bridge, about two miles up.

5014. Does the tide interfere as much with the use of the draught net as it does with the stopping net?—That has as much to do with the nets that they use at Chepstow, as anything else; so much so, that I could not work it; I am abandoning it again, but it has not had the same effect on the one at Llandogo.

5015. You told Mr. Buckland that the draught nets do not pay on the average their working expenses, did you not?—That is quite correct.

5016. You have fisheries above Monmouth, have you not?—Yes.

5017. They are unproductive, are they?—They are not productive; we have lost every year; my brother has sustained a loss of 100 *l.* or 120 *l.* a year on those fisheries.

5018. *Chairman.*] Whose fisheries are they?—They belong to Mr. Bannerman and others.

5019. Mr. *Lowther.*] The only productive fisheries that you have, are those which you rent in the estuary, and in the tideway from the Duke of Beaufort?—Just so.

5020. And do the other owners and occupiers above Monmouth also find it unproductive?—Yes, some of them; the fishings about the district of Ross are rather more productive.

5021. Then, is it not a fair conclusion to draw that those who have fisheries in tidal waters have more than a fair proportion of the fish?—No, it is not correct; we do not have it.

5022. But the upper people do not get it?—We do not.

5023. Who does get it then?—They remain uncaught, I suppose. At all events we do not get our share.

5024. Now, with regard to the size of the mesh; how small a mesh do you catch fish with in the tideway?—We use the eight-inch mesh.

5025. That is to say, the two-inch mesh?—Yes, the two-inch mesh. We use the mesh defined in the 10th clause of the Act of 1861, varying it according to the class of net.

5026. How large a fish would go through it?—A fish four or five pounds would go through. They are stretched out, and the rush of water opens the meshes so much that the fish come with such force that they reeve the mesh and go through.

5027. To what extent do you suppose the two-inch mesh would increase with that rush of water?—It would increase an inch sometimes, and sometimes two inches; and sometimes it will break the mesh and go through.

5028. Do you think that a two-inch mesh would stretch an inch, if it did not break?—Yes; it is not the twine that stretches, it is the knot next the mesh that gives way.

5029. I suppose that you speak from experience?—Yes, certainly.

5030. Is the knot that you refer to a kind of running knot?—No.

5031. Do they stretch to the amount of one inch in two inches?—Yes; it has four kno run upon.

5032. Mr. *Liddell.*] I presume that opera can only be performed once?—It is done m times.

5033. But when once the knot is what you broken off, it will not yield any more, I suppo —It does sometimes happen that large fish through.

5034. Mr. *Lowther.*] When the pressur taken off, do you suppose that the net return its natural state?—No; very often we have put it right again. The rush of the tide cau the fish to come with such velocity against th nets, that I have seen the fish almost strike man overboard who was holding the net; I h aways considered that the 10th section of Act of 1861, is a very good one.

5035. Do you know at all what the feeling the owners and occupiers along the River Wye the proposal, I believe, is the altering of the s of the mesh from one and a half to two inche —They want two and a half inches.

5036. Do they think the old mesh has be injurious to the river?—Yes.

5037. But you do not agree with them, do yo —Certainly not.

5038. You speak from experience?—Yes.

5039. And do they also speak from experienc —I do not know; they say that the Act of Pa liament before 1861, was a two and a half in mesh, but I say that that was never carried o There was no one to carry it out, and they had longer time of fishing. They had January an February up to September and October, for fis ing in the estuary.

5040. How soon do the small fish begin to ru up?—Generally the latter end of June; some ru up in the early part of June.

5041. I suppose they go and spawn in the tr butaries or little becks?—Yes.

5042. You do not think that it is necessar that those little streams should be supplied wit early spawning fish, I suppose?—No; they woul get killed before the spawning season came on, c very nearly so; the fish's natural instinct mu always know, and always does know, what quan tity and quality of water suits it; it is not thei real instinct to go up in the early part of th season, except in rivers where they have goo pools and safe places to lie in. Those uppe streams are only the natural breeding ground.

5043. At what time is it their instinct to g up?—The Wye is composed of a great many pools of deep water, and the fish may go up to a great extent at all seasons.

5044. But at what time do they go up gene rally?—Almost during the whole of the season; but they will never take those small streams to any extent.

5045. Mr. *Hambro.*] Do you think that the lower proprietors of a river, as a rule, ever let any fish go up to the upper proprietors, if they can help it?—The upper proprietors have caught a good many fish.

5046. But do you think that the lower proprietors of a river, as a rule, ever let any fish go up to the upper proprietors, if they can help it?—I should say that they do. They keep the weekly close time, and then the fish go up, if plenty of water.

5047. Do they not use every means in their power to catch every fish they can?—They do it

legally, and so would the upper proprietors do e same thing, if they had the chance.

5048. Would you consider that you were ardly treated if you were forced to let the fish by you for a longer period in the week than ey do now?—Yes; I think it would be very ıfair, because we are not able to catch the num-r of fish that we have the right to catch.

5049. But supposing your power of catching h by nets were limited, what would you say en?—We might as well hand over all the heries to the upper proprietors, which is their ject, I believe, to get.

5050. But if you had the power to do so, you ould catch every fish in the river, would you t?—If we could do it legitimately we might, doubt; but the law is very restrictive on that int.

5051. Then would you use the full extent of ur powers?—No, I would not.

5052. At the present time you use, to the full tent, the powers that you have, do you not?—ertainly; and we cannot use enough of it.

5053. Mr. *Liddell.*] I hold in my hand a list the members of the Board of Conservators of e Wye, and I find, in the *ex officio* members, e first name is his Grace the Duke of Beau-rt, and then there is Mr. David Miller; is he a ember of your firm?—Yes.

5054. Then there is Mr. James Miller; is he member of your firm?—Yes.

5055. Then I find Mr. Thomas Miller; is he member of your firm?—Yes, they are brothers.

5056. Then the Duke of Beaufort and those ree gentlemen who are members of your firm e all *ex officio* members of your board?—Yes.

5057. There are 23 *ex officio* members of that ard?—Yes.

5058. And they constitute one-sixth of the hole number, or rather more?—Yes.

5059. Do you consider that that is an insuffi-ent representation of one fishing as far as the *officio* members go?—I do not know. But I ay say that there are only three or four of that mber that feel interested in the estuary heries.

5060. Now, to go to the elected members of e board, I find the most noble the Marquis of orcester is an elected member?—Yes.

5061. Who is John Thompson, of Badminton?—The Duke's agent.

5062. Mr. Alexander Miller, of Chepstow, is urself, I suppose?—Yes.

5063. Then you have four elected members out 18 members elected on the board?—Yes.

5064. Which is very considerably more than ne-sixth?—Just so.

5065. Do you think that that is an adequate epresentation of one fishery?—I consider that is not in proportion to the upper representa-on.

5066. You said, I think, that you had never een able to carry a motion at the board?—Never, to my recollection.

5067. Could you give the Committee any idea f the number of motions that you have brought orward on the board?—No, because I am not repared with any evidence upon that point. The last time that we had a meeting there were hose queries to be answered; we all objected to great many of those questions.

5068. Those queries were to ascertain the cir-umstances and the value of the fishery, and the modes of fishing pursued, I presume?—Yes.

5069. Was that information which you would rather the other proprietors in the river did not possess?—Yes.

5070. And therefore you objected to answer those questions?—Just so.

5071. Now, generally, have the motions which you have brought before the board, been chiefly directed to increasing the value of your fishery?—No; I have been defending our rights now.

5072. I presume the reason you did not carry those motions was, that the other members of the board thought that you had quite sufficient rights already?—That was their idea.

5073. And you differed from that?—Quite so.

5074. You said, in the former part of your evidence, that your nets did not get their share of the fish?—Yes.

5075. And you now repeat that?—Yes.

5076. Then how do you measure a fair share of the fish; what do you consider a fair share?—We could not measure that before we caught them.

5077. But what, in your mind, constitutes a fair share of the fish that frequent that river?—According to the state of the river, its size, and the stock of fish breeding, my opinion is, that we do not catch what we should catch in the fishery.

5078. But who gets the share that you do not get?—I do not get them.

5079. But who does?—I do not know; the fish are left there, uncaught, I suppose, because the law is so strict.

5080. As you have had great experience, and your opinion will be quoted hereafter, I want to get from you, your opinion of what is the fair share of fish that one set of nets ought to take?—We do not get a sufficient share of fish according to the area of catchment basins, and the amount of stock in the River Wye. We are so much restricted with our fishing, that we cannot fish for the time that it is necessary to have.

5081. Do you measure what you consider to be your fair share of the fish by what other people take, or by some imaginary standard in your own mind of what you ought to take?—We ought to be able to pay our expenses, I think.

5082. Have you not been able to pay your expenses of late years?—No.

5083. Then why do you pay the Duke of Beaufort this rent?—We are doing all we can to get it up; it is a speculation.

5084. The last three years, or rather the last two years, and the commencement of this year, have been particularly dry seasons, have they not?—Yes.

5085. And you complain that the stock of fish has very much diminished?—Our catch of fish has very much diminished.

5086. Has that dry weather had nothing to do with the stock of fish being diminished?—No.

5087. Do you tell the Committee, as your deliberate opinion, that that has nothing to do with the diminution of the stock of fish?—Nothing whatever, because the fluctuation of the season, the dry and the wet weather, the floods, and everything, have got to be seriously considered, and you cannot exactly know what is the cause of a scarce season. Take the Galway river, for example, it may diminish for three or four years, and then go on again; the Tay does the same, and no man can account for that.

5088. Is the stock of fish in any one year not materially affected by the amount of young fish that have left the spawning beds, and gone down to the sea?

Mr. A. Miller.

26 April 1870.

sea?—No, that has nothing whatever to do with it.

5089. That you assert as an experienced practical man?—Yes, as an experienced practical man all my lifetime, I say that the stock of fish in the rivers has nothing to do with the catch.

5090. You state that the amount of spawn deposited in the upper waters, and conveyed down to the sea by the fresh water in April, has nothing whatever to do with the stock of fish that come up in the following autumn?—It has nothing whatever to do with it, because with the casualties, and the loss of those fish at sea, no man can tell. Take the River Tay; I had been superintendent of the Tay for some years before I went to Ireland, and I have seen the very best year for stock of fish and spawning, the worst year for fishing; and I have seen again the worst year's spawning was the best year's fishing season.

5091. Then on what, in your opinion as a practical man, does the stock of fish in a river depend?—The spawning ground is the producing ground.

5092. But you say that the produce of the spawning ground has nothing to do with it, as I understand you?—You misunderstood me, then. I say that the stock of fish has nothing to do with the catch of fish, because there may be a small stock on the spawning ground in one season, but that will not affect the supply of fish commercially the following season.

5093. You mean that a large number of smolts may go down the river in April, and that a very small number of grilse may come up that river in the summer and autumn?—Yes, that is my meaning.

5094. That is dependent on the condition of the water at the time that the fish are ready to run, is it not?—Yes.

5095. You do not mean to say that you wholly disregard the amount of fish on the spawning ground as affecting the supply of the fish; but you say that you consider that the number of fish on the spawning ground has nothing to do with the take of fish?—Yes, in any one year there were more fish caught in the Wye before 1861 than since; I dont wholly disregard the amount of fish spawning on an average of years.

5096. You wish the Committee to believe that it is immaterial for the catch of fish in the following year what number of fish are produced in the upper waters?—I do not believe that the fish come every year to the river.

5097. Do you know the Firth of Dornoch?—No.

5098. I suppose you do not know any of the rivers that run into the Firth of Dornoch?—No.

5099. Do you believe that the fish that run early are likely or are not likely to produce early fish?—No, I do not believe that.

5100. How long have you known the Rivers Severn and Wye?—Since the year 1862.

5101. Your experience goes no further back than that year?—No.

5102. How many miles of fishing have you got altogether?—I think between 50 and 60 miles.

5103. How many different description of nets do you use in those 50 miles of water?—The stop net, the draught net, the lave net, and one beating net.

5104. Do you use putchers to some extent?—Yes.

5105. Then you have five distinct modes of catching fish?—Yes.

5106. Those nets which you have are adapted for every part of the river and for every condition of the water, are they not?—I do not go so far as that, because the putcher fisheries are only one way of fishing; they are fixed, and they are not moved until the end of the season.

5107. The stop net is as near a fixed engine as anything can be, is it not?—But it is moveable when we like.

5108. But when in operation it is a fixed engine, is it not?—The Commissioners state so.

5109. Besides those two fixed engines you have three other descriptions of nets, the ordinary drawing net, the beating net, and the lave net?—Yes.

5110. Those nets are adapted for catching fish when the other nets will not catch them?—No, some of them are at different localities.

5111. Then you have different descriptions of nets to suit different parts of the river and different conditions of the water?—The different conditions of the water would have nothing to do with it.

5112. You have stated that you used the beating net?—Only one net.

5113. Then I am justified in saying, am I not, that that net is adapted for a particular condition of the water?—That one net.

5114. That is a very efficient net for the purpose, is it not?—I never found it so. It is a net that I do not care about using.

5115. But other people use it extensively, do they not?—Yes, but I do not agree much with it.

5116. You have stated that your men cannot earn wages enough to induce them to work for you?—Yes.

5117. Is that due to the falling off in the quantity of fish, or to the great competition among the men?—The last two seasons were very dry, and the fish did not come up from the salt water. That was one great reason.

5118. Do you not think that excessive fishing in an estuary in dry seasons may materially tend to keep the fish back at sea and prevent their running up the river at all?—There is no doubt of it.

5119. You have not relaxed any of your efforts during those two dry seasons, I suppose, to give the fish a better chance?—The fish would not take the river during the last two seasons under any circumstances.

5120. That is your opinion, is it?—We can prove it; we saw them a long way off.

5121. Do I understand you to say that, whether the season is favourable or unfavourable to the run of the fish, the amount of fishing in the estuary does not affect them?—It will not affect the stock of breeding fish on the Wye according to our mode of fishing

5122. Will it not diminish the stock?—It will not diminish the stock.

5123. That is your opinion, is it?—That is my experience.

5124. Other people entertain a different opinion, do they not?—Yes, but my experience tells me that it is so; take the Tay and take the Galway rivers; the Tay is not much larger than the Wye, the Tay drains 2,500 square miles, and the Wye 1,666, that river yields about 32,000*l.* worth of fish; it is fished from head to foot, there are 270 draught nets, and it employs 550 men.

5125. But you cannot account, by any laws which we know of, for the favourable circumstances

ances of one salmon river over another, can ou?—No, it is difficult to understand that, but think that the seasons have got everything to with the supply of fish in large rivers; there nothing that affects the fish more than drought nd dry seasons.

5126. There are times when the salmon are mpted to run up by the condition of the water? -Yes.

5127. And if they do not run when nature apints them to run, they get disgusted and drop ack into the sea?—Yes, I have seen that regurly.

5128. You have informed the Committee, and ou made a complaint, that your men ran vay; do you not engage them for the fishing ason?—Yes.

5129. But does not the common law protect ou, as every other employer is protected, against ch a breach of contract?—I have never tried at.

5130. Have you never read the common law that subject?—I quite understand that in cotland it would be so.

5131. Then the law being similar in England ould it not be as well to use the power that the w gives you?—When I cannot give them the ages I should like, I cannot object to a man betring himself.

5132. Are your men paid by the number of h which they catch?—Yes, by the number of h caught.

5133. They are paid by the piece, in fact?—es; by the piece.

5134. Can you give the Committee the prortion which they receive?—It all depends on e markets.

5135. Of course, when the fish are scarce, the ice is higher?—Not always; because the fish ay be scarce in one place, and not in another.

5136. If I rightly understand you, you attrite the falling away of the men to low wages? To the few fish that we get.

5137. And the consequent low wages which ey have been earning?—The season prevents e fish coming to us.

5138. You have stated that you hope that the ye will be much better than it is; on what ndation does that hope rest?—I think that if have a season such as I have seen in my exrience, that is to say, not so much drought and t such a long state of bad weather, the fish uld run up more readily, and there would be re for me, and the upper people too.

5139. You do not grudge the upper proprie- their fair share of the fish?—Certainly not; lo all I can to assist them.

5140. You would not relax your efforts at the uth of the river, would you?—We have reed our efforts at the mouth of the river, to a eat extent.

5141. Did I understand you to say, that you d given up fishing in the month of March?—; in the month of February.

5142. But you only caught three salmon in e month of March, this year?—Yes.

5143. That you consider as giving the upper prietors a great chance?—It will not pay us go on fishing.

5144. But did you do that as a boon to the , or to the upper proprietors, or because you uld not catch the fish?—We could not catch fish.

5145. It was not worth your while?—No, it was not worth my while; my men are very anxious that I should get September for them, but I do not agree with that.

5146. Should you suggest such a constitution of the Board of Conservators as would give the nets a fair representation as compared with the other riparian owners represented on the board? —I have never considered that question.

5147. You have spoken all through your evidence of a conflict between the lower and the upper proprietors?—Yes.

5148. Do you think that that conflict ought to go on?—It is wrongly founded.

5149. Do you not think that the interests of both classes of proprietors are identical?—Certainly they are, but they are not taken so.

5150. Why are they not considered identical? —They are not taken identically.

5151. Are you jealous of the upper proprietors, or are they jealous of you?—They are jealous of us.

5152. Is that because they think you get more than you are entitled to have?—No; it is because they think they do not catch the fish they ought to do. As miller I have been a practical man all my life, and the name follows me.

5153. You think that there is no ground for that feeling in the minds of the upper proprietors?—Not at all.

5154. Colonel *Amcotts.*] Can you give the Committee the produce of the Wye as contrasted with the Tay?—That I could not give.

5155. *Chairman.*] I suppose, in your extensive experience, you have found cases where the upper proprietors and the lower proprietors have worked cordially together?—Yes, I think so; in the Tay they worked pretty well.

5156. The Committee have understood from other witnesses that the upper proprietors and the lower proprietors on the Tay did not agree very well together?—I have not seen much conflict amongst them during the last two or three years.

5157. But did they fight up to two or three years ago?—Yes; they were generally always fighting everywhere.

5158. What has been the result of that fighting on the Tay?—With regard to the lower proprietors, so far as I could understand, when I was there the last time, the difficulty they had had was the six hours weekly close time. I think they stop at six o'clock on Saturday night, and six o'clock on Monday morning now.

5159. You think that that has given everything that the upper proprietors wished for?— I think they met them in that way.

5160. Mr. *Herbert.*] In fact they agree pretty well together; do you think that they agree to preserve the fish for each other?—Yes.

5161. *Chairman.*] Can you state from your own knowledge, that they do agree cordially together now?—Yes; when I was there a fortnight ago, there was every appearance of it.

5162. Mr. *Herbert.*] You think that they are giving way a little on both sides?—Yes.

5163. Mr. *Lowther.*] I think I understood you to say, that your men were paid by half the produce of what they caught?—Yes.

5164. Do the boats belong to them?—No, they nearly all belong to me; there are one or two who own their own boats, and I give them a little more; a share towards their expenses.

5165. And the nets belong to those men?—Yes,

Mr. *A. Miller.* 26 April 1870.

Yes, and I give them an equivalent for them; I allow so much for the hire of the boat and net.

5166. Do you pay for all the licenses?—Yes; I pay all the rents, rates, and taxes.

5167. Mr. *Herbert.*] I suppose you take any good fish that the men bring you?—Yes.

5168. On Monday morning, do you ask them where the fish were caught?—I am generally among them myself; I employ them to fish the boats.

5169. *Chairman.*] I presume you are of opinion that all legislation with regard to salmon fisheries should be made in the public interest?—Yes, for the supply of food. Lessees of fisheries will always take an interest in protection.

5170. If that be so, is there any reason why a distinction should be drawn between public fisheries in tidal waters and private fisheries in tidal waters?—Yes; there is a great distinction between them, I think.

5171. What is that distinction?—The public fisheries pay no rents, rates, or taxes, and the private fisheries do, which is a very great consideration.

5172. As between the landlord and tenant it may be so; but as between a man representing the interest of the Duke of Beaufort and Messrs. Miller and the public, what is the distinction?—The distinction is that which I have already named.

5173. It is a distinction between the Duke of Beaufort and yourself, perhaps?—I think that private property should not be tampered with so much. I do not wish to tread upon public questions, because I feel that I am not able to deal with those questions.

5174. But you think there is a distinction to be drawn between public and private fisheries?—Yes.

5175. Will you be kind enough to describe again what you think that distinction is?—In the public fisheries they have nothing to do but to go out with the net and catch the fish; they take no interest in the protection of the fish; whereas the tenants of the lower fisheries pay rent, rates, and taxes, and take a distinct interest in the matter. I may state, with regard to my own fisheries that I take a strict interest in the protection, and make all my men adhere to the law.

5176. You take an interest in the fisheries to the extent that you have rent to pay?—Yes, and protection.

5177. Suppose the Duke of Beaufort took a fancy to fish it himself, and not to let it to you, where would then be the distinction you draw?—The distinction would be the same.

5178. Is there anything that you wish to add to your evidence?—No, I think not.

Frank Buckland, Esq., re-called; and further Examined.

Mr. *F. Buckland.*

5179. *Chairman.*] Do you produce to the Committee a cast of a salmon caught recently in the River Thames?—Yes, it was caught this day week at Gravesend; it weighed 23 lbs., and it had whitebait in its stomach; I think its presence may be taken as a sign that the Thames is becoming purer, though I could not positively state to the Committee that it was a Thames-bred fish, or of my own breeding.

William Dunbar, Esq., called in; and Examined.

Mr. *W. Dunbar.*

5180. *Chairman.*] You reside at Brawlcastle, in Caithness-shire, do you not?—Yes.

5181. I believe you have been more or less connected with salmon fisheries all your lifetime?—Yes, I have.

5182. Ever since you were a boy, in fact?—Yes.

5183. You are now between 50 and 60 years of age, are you not?—I am pretty well 60 years of age.

5184. Have you studied the natural history of the salmon also?—Yes, I have.

5185. I believe that you have rented salmon fishings extensively, in various parts of the kingdom, in Caithness, Sutherland, Ross, and Argyle shires?—Yes, I rented fisheries in Argyleshire formerly, but I have none now.

5186. You have also extensively rented fisheries in the Norway rivers on the sea coast?—I did.

5187. You now rent salmon fisheries to a very considerable extent, do you not?—Yes.

5188. I believe that your rentals now exceed 3,000 *l.* per annum?—Yes.

5189. In addition to all that, you are a commissioner for His Grace the Duke of Northumberland, are you not?—I am manager of all his salmon fisheries in the Tyne, the Coquet, and other rivers.

5190. His Grace the Duke of Northumberland is one of the largest proprietors of salmon fisheries in Northumberland, is he not?—Yes.

5191. Principally on the Coquet and the Aln—Principally on the Coquet and the Aln, and the largest share of the Tyne; in the North Tyne especially the estuary of the Tyne and the sea coast.

5192. I am right in saying, am I not, that very recently one of the superior courts has decided that a considerable extent of the fishing in the estuary of the Tyne is now vested in his Grace the Duke of Northumberland?—Yes.

5193. Therefore the right of the public is excluded?—Yes.

5194. I need hardly ask you whether you can speak with some confidence with regard to the effect of over-fishing?—Yes, perfectly so. I took the River Thurso, in the north of Scotland, myself when it was nearly fished out in the year 1852.

5195. At that time was it of very considerable value?—No; the rent was only 200 *l.* a year.

5196. What do you pay now?—I now pay 800 *l.*

5197. I suppose you are acquainted with all the different modes of fishing known in this country?—Yes, mostly; not those which are used on the south coast of Devonshire and the Wye.

5198. You have probably never seen the stop net?—No.

5199. But you know pretty well the different kind of nets used throughout the country?—Yes, generally speaking.

5200. Of course, from your connection with e Duke of Northumberland's fishings, you are quainted with the operations of our Salmon shery Acts of 1861 and 1865, are you not?—s.

5201. You know how the present fishery ards are formed, do you not?—Yes, I do.

5202. In your opinion, should those boards ve power to make bye-laws with regard to heries?—That is my opinion subject to the inction of the salmon fishery inspectors and the proval of the Home Secretary.

5203. In fact, do you approve of the principle d down in the Bill introduced last Session by e Government?—I do, to a certain extent.

5204. The 20th section of that Bill proposed, enable boards of conservators to make regu-ions?—Yes; so as to suit the different rivers different districts.

5205. That clause extends to a variety of dif-ent subjects, does it not?—Yes.

5206. I suppose you have heard that principle ry much condemned by the last witness?—s.

5207. Has that condemnation by an experi-ced person like Mr. Miller, who, like yourself, s often been north of the Tweed, altered your inion?—No, not in the least; I remain of inion that power should be given to boards Conservators to make bye-laws, subject to the action of the Home Secretary.

5208. In fact, the principle of the 20th section the Salmon Bill of last Session, is a correct e, you think?—Yes.

5209. One great reason why you think so is, at the varying circumstances of the different ers should be met, I suppose?—There are rcely two rivers that are equal; and there are ious circumstances applying to almost every er.

5210. Those you say could be met by the local perience of conservators, who should make es, having the effect of laws, subject to the proval of the Home Office?—I think so, de-edly.

5211. They would take the initiative, and pro-se what they thought was required, and then on the sanction of the Home Office, that would ve the effect of a law?—Yes; just as if it was Act of Parliament.

5212. Now, for the protection and improve-nt of salmon fishery rivers, do you think that nething beyond a license duty is required?—hink there should be a rate, that is to say, here there are private fisheries in any river ey should be rated, so as to apply that rate for e protection of the river.

5213. And for improvements in the shape of aking fish passes, or buying dams, or anything at the circumstances of the river required?—es.

5214. Are you acquainted with the provisions the Bill introduced by the Tyne Fishery Board st Session?—Yes.

5215. That Bill contemplated a power to levy tes, did it not?—Yes.

5216. I daresay you were consulted with re-ard to that Bill?—Yes.

5217. Do you approve of the general pro-sions of that Bill, so far as they relate to rates d mortgages?—Yes.

5218. You approve generally of the provisions that Bill?—Yes, generally.

5219. In some cases do you think it is desirable that power should be given to purchase compulsorily dams, weirs, and other fixed obstructions?—Yes, that is my opinion.

5220. I suppose you would only do that where the obstruction could not be overcome in any other mode?—No; it might be overcome by making a fish pass; rather than destroying the whole of the river, there should be power given that a pass should be put up.

5221. Where the fishing interest was of more value than the other interest, you would give power to remove the obstruction?—Yes.

5222. That being the lesser evil?—Yes, that being the lesser evil.

5223. In all those cases, do you think that the provisions of the Lands Clauses Acts would afford sufficient protection to the owners of property?—I think it would.

5224. Did you know the Tyne before the Bywell dam was removed?—Yes, but not so well as I know it now.

5225. Do you agree with the evidence of the other witnesses we have had before us, that the removal of that dam was extremely beneficial to the fisheries of the Tyne?—Yes, there is no doubt of it.

5226. We have heard that it was removed without any compensation being given to Mr. Wentworth Beaumont?—Yes.

5227. But had it been necessary to pay full compensation to Mr. Beaumont, do you think that the advantages accruing from the removal of the dam counterbalance the cost?—I am certain of it.

5228. Over and over again, perhaps?—Over and over again.

5229. Is it desirable, do you think, that the millowners and the persons who form the artificial channels communicating with salmon rivers should be required to provide hecks and gratings at the entrances to all the mill lades?—Yes, on the river Thurso, I have compelled the millowners, at their own expense, to keep hecks and gratings at the entrance to all mill-lades; It was decided by one of the superior courts that under the Scotch law, there shall be hecks and gratings put at the heads and tails of all artificial runs for mills. The judgment does not say who was to do it, but the board of conservators of the River Girvan, in Ayrshire, carried it to the Court of Session, and it was decided by four judges out of seven, that it was the millowners or occupier's duty to do it.

5230. I believe that that decision is a very recent one?—Yes, a very recent one.

5231. The name of the case is Kennedy *v.* Murray, is it not?—Yes.

5232. You produce a short report which appears to have been published in "Land and Water" on the 17th of July 1869?—Yes.

5233. You do not happen to know in what book the case was reported?—No, it would be reported in the Court of Sessions Book.

5234. And the case appears to have arisen, as you have stated, on the River Girvan, in Ayrshire?—Yes.

5235. Perhaps you will kindly read the paper which you produce?—It is as follows: "This was a summary application brought in the sheriff court of Ayrshire by William Murray, solicitor in Girvan, clerk to the District Board of the river Girvan, against the Right Hon. T. F. Kennedy, of Dunure, for the purpose of compelling the latter to put 'hecks' at a certain mill-

Mr. *W. Dunbar.*

26 April 1870.

lade belonging to him on the river Girvan, in terms of bye-laws passed by the Commissioners under the Salmon Fisheries Act, 25 & 26 Vict. c. 97, sect. 6. There were a variety of preliminary pleas stated going to exclude the petitioner's title to sue, but these were repelled, and on the merits the sheriffs both decided in favour of the petitioner. Mr. Kennedy advocated, and after hearing counsel some time since, the second division sent the case for argument before seven judges upon the following special questions: 1. Whether the Commissioners under the statute 25 & 26 Vict. c. 97, sect. 6, had power to make bye-laws as to lades, dams, etc., not in the process of being constructed or repaired. 2. Whether the following bye-laws, Nos. 3, 4, and 5 (being the bye-laws founded on by the petitioner) are regulations in the sense of the said Act:—'(3.) At the intake of every lade there shall be placed and constantly kept a heck or grating for each opening, or one embracing the whole openings, the bars to be not more than three inches apart if horizontal, and not more than three inches if vertical. (4.) A similar heck or grating shall be placed and constantly kept across the lade or troughs immediately above the entrance to each mill-wheel. (5.) A similar heck or grating shall be placed, and constantly kept across the lower end of each tail lade at its entrance into the main river.' 3. Whether the Commissioners have power to impose an obligation on owners or occupiers of mills to execute the works embraced in the bye-laws at their own cost. 4. Whether the bye-laws, supposing them to be competently issued, are framed with such precision and clearness as to be valid and operative in reference to the parties by whom the regulations are to be observed, and the manner in which they are to be executed. 5. Assuming that the construction of hecks has been competently directed by the bye-laws of the Commissioners, and that the cost of construction is chargeable against the advocator as owner of the mill, and assuming that additional trouble and some cost will be imposed by the additional hecks, whether the case of the advocator who has had immemorial possession of the mills is within the provision that such regulations shall not interfere 'with any rights held at the time of the passing of the Act under Royal grant or charter, or possessed for time immemorial.' Their Lordships were unanimous in answering the first and second questions in the affirmative, and the last question in the negative; but with reference to the third and fourth questions, particularly the third, there was a difference of opinion in the Court. The Lord President, the Lord Justice Clerk, and Lord Cowan, held that the Commissioners had no power to lay the cost of the works in question upon the owner or occupier, but were bound to defray such cost from the funds of the district board. These judges, therefore, answered the third question in the negative. Lord Deas, Lord Benholme, Lord Neaves, and Lord Kinlock held, on the other hand, that the expense of the works required by the bye-laws fell upon the owner or occupier. They therefore answered the whole questions in the affirmative, with the exception of the last, and this being the opinion of the majority, became the judgment of the Court."

5236. Now, in your opinion, ought there to be similar regulations in England, with regard to placing a heck or grating at each opening to any mill lade?—Yes, for the last 18 years upon the Thurso, I had placed them there at my own pense, and I got them very often broken destroyed. I could not tell who did it, but I pected the millers' servants not going to cl them, and take them out, so that I lost th sometimes; but this decision having taken pl I have made them do it at their own expense.

5237. You think that they will be better ca for in future?—I think that they will.

5238. Now, with regard to the annual cl time, do you think that the annual close t should be varied from time to time?—I th that is a very important thing; some rivers exceedingly early, and other rivers very la the salmon do not ascend at all at the sa time.

5239. Do you know some cases where salmon begin to run as early as the 1st of J uary?—In the Thurso. I got the Home Off to give me the power to open a month earl and I shut a month earlier.

5240. Do you take a considerable number fish in the Thurso, in January and February Yes, not many in January, for the river was fro up.

5241. But there were plenty of fish, if weather had been favourable?—Yes.

5242. On the other hand, do you know t some rivers are so late, that scarcely a salm ever enters them until May?—I use to ren river from the Duke of Sutherland, and t earliest I ever caught was the 26th day of Ma

5243. You heard the former witness st that in March he only caught three salmon the Wye?—Just so.

5244. Do you think that there should be pow given to vary the close time in different river —Yes.

5245. How would you regulate that?—I wou give that power to Boards of Conservators.

5246. Would you subject that power to t control of some central authority?—Yes.

5247. The Home Office, or whoever may determined upon as the central authority?—Ye

5248. Do you think that the weekly close tim should be extended?—It would be a great a vantage to the upper proprietors that it should extended. That would let more fish go up, ar it would be more benefit, ultimately, to the low proprietors; because the more fish that go u and spawn, the more there would be for the low proprietors afterwards.

5249. Therefore, though the owners of th fisheries in the tidal water might, apparently, injured at first, eventually it would pay them?— Yes. When I took the Thurso fishery, 18 yea ago, it only cost 200 *l.*; I now pay 800 *l.* It wa cruived and netted from the first day of the sea son up to the last day; they did not let any earl fish go up. The consequence was, I took awa the cruives altogether, and never netted it unti the month of April; and it is now such an earl river that we kill more with rod and line in tw months than used to be killed with the whole o the nets.

5250. You have, in fact, been sowing see which has resulted in a golden harvest?—I hav increased my own income and increased the land lord's income fourfold.

5251. Will you be kind enough to tell the Committee what extent of fishery you have in the Thurso?—I have the sole range of the river from the fountain-head to the sea; and a portion of the bay, too.

5252. What

Mr. *W. Dunbar.*

26 April 1870.

5252. What is the length of that river?—out 30 miles.

5253. We have known of conflicts between upper and lower proprietors; have you such nflicts in your district?—No; I can do what I .

5254. But your experience shows what may accomplished where the whole interest of a er is worked in harmony?—Yes, it can be in-ased very much.

5255. Is it your opinion that there should be least two clear days a week to allow the salmon go up?—Yes, there should be at least two clear ys a week to allow the salmon to go up in all ers.

5256. Is that based on your experience?—s; my experience is that the lower proprietors uld be as much benefited ultimately as the per proprietors.

5257. I suppose the improvement that has taken ce in the Thurso applies as much to the estuary to the upper water?—Yes; in fact it applies re to the estuary than the upper water, be-use all the fisheries around the coast are bene-ed. They are all up to about double or three nes the rent that they used to be through my otection entirely.

5258. Taking the fishery adjoining you, the rabster-roads Fishery, and the Holburnhead shery, the rent of that in 1852 was 80 *l.*, and was let last time at 357 *l.*?—Yes.

5259. Is that its present rental?—Yes; at st that was the rental two years ago.

5260. Is it your opinion that it is perhaps tter worth, or at least is as well worth, that it as it was worth the former rental?—I cannot as to that, but I know with regard to my heries that it is better worth 1,000 *l.* now than it s worth 200 *l.* formerly.

5261. As Commissioner to the Duke of North-mberland, has your attention been directed to e hang nets that are used in the estuary of the ne, and on the sea-shore adjacent?—Yes; I ve seized a good many of them.

5262. The right of his Grace the Duke of rthumberland was questioned, and hence the gation to which you referred?—Yes.

5263. And the decision is in his Grace's vour?—Yes.

5264. Have you seen as many as 200 boats out one night?—Yes.

5265. Nets measuring from 200 to 1,500 yards length?—No, not any one net, but they join em together so as to make them one net. The ngest net would be 200 or 300 yards in one at.

5266. You are within the mark in saying that ere were some miles of net out at one time, are u not?—Yes, decidedly.

5267. Was that principally in 1868?—Yes, ncipally in 1868. But last year there were a eat number, also.

5268. Those were all hang nets?—Yes, all ng nets.

5269. Do they make almost a complete barrier the fish entering the river?—Yes, quite; no h could get up into the tideway.

5270. If that state of things is permitted to ntinue it will utterly destroy the Tyne as a mon river, will it not?—I would not give 100 *l.* the whole river if that state of things is al-ved to continue.

5271. I believe that a similar practice was rsued some time ago on the Tweed?—Yes; I was consulted about that, and I gave evidence before this House at the time of the passing of that Bill. I went down by request, and saw all the nets at work on Sunday, and I came back on Monday, and gave evidence that I had seen them at work.

5272. You found that they were fishing as you saw them fishing in the year 1868 on the Tyne?—Yes, in the very same way; the Tweed people call them bob nets, but they are the very same nets.

5273. Mr. *Staveley Hill.*] What is the depth of that net?—It varies according to the depth of the water where they use those nets; they are seven or eight fathoms in some parts, and perhaps half that depth in other parts.

5274. *Chairman.*] Did that process go far to destroy the Tweed as a salmon river for some time?—It ruined it; at that time it was not half the rent that it is now.

5275. The abolition of that practice has increased the rent you think?—It has increased the fishing, increased the sport; in fact, every person is benefited, and the rental is more than doubled.

5276. The Committee have heard that after removing the Bywell dam, the Tyne became a very excellent salmon river; is that your opinion?—Yes, it did become a very excellent salmon river, and it would continue to be a very excellent salmon river, were it not for the hang nets which keep the salmon out altogether.

5277. I gather from your evidence that you think the Tyne would be one of the best salmon rivers in the kingdom if it were allowed fair play?—Yes, I am certain of it; it has got such fine spawning beds.

5278. But if the present system continues, your opinion is that it would not be worth 100 *l.* a year from its mouth to its source?—I think so.

5279. Did you hear the evidence of the previous witness with regard to the injury inflicted on a salmon as food by being killed in a hang net?—Yes; I saw salmon at Billingsgate at 5 o'clock this morning from the Tyne that had been captured by hang nets, and the agent said that such salmon would not bring within one-third as much as those killed with the drag net.

5280. Do you agree with Mr. Miller in his evidence on that point?—I do distinctly.

5281. From your own experience, do you think generally that the hang net does diminish the commercial value of the fish one-half?—It does diminish the commercial value of the fish very much; I would not give one-half as much for them, for I would not eat them at all, and no judge of fish would eat them, because they have lost all their flavour. They very often hang dead in the net for 24 hours like a strangled animal.

5282. Of all nets do you consider the hang net the very worst?—It is the most destructive of all.

5283. Not merely because it occasions great destruction to the fish entering the river, but because it damages the fish?—It is a great injury to the fish entering the river, and it damages the fish in every sense of the word.

5284. We understand the fish are hanged and drowned as well?—They are hanged and drowned as well.

5285. The net is fixed in the water, and remains there for some time without being examined?—By law there can be no fixture, but they anchor those nets to evade the law. They

Mr. *W. Dunbar.*
26 April 1870.

fix a great many of them which are anchored with stones, and then they evade the law by tying them to great heavy chains, and then the tide drags them slowly on; there are chains at one end, or both ends.

5286. In addition to the fish being bruised, are they blown and swollen?—Yes; they are quite a different kind of fish; they call them grey fish in Billingsgate.

5287. I suppose that any man really acquainted with the character of the fish, would not buy them even at half price?—No, certainly not.

5288. They would not eat them at all if they knew what was wholesome?—They would not eat them at all if they knew what was wholesome. In the mouth of the Tyne, I have heard gentlemen say that the fish tasted of tar, they had been so long dead in the foul water.

5289. Probably the net itself had been a tarred net?—Very likely.

5290. Would you prohibit the use of the hang net altogether?—I would, absolutely.

5291. But if they should be allowed at all, would you limit the length of them?—Certainly; but I wish to get rid of them altogether. I would not allow any net to be more than 100 yards long; I would make the fishermen pay an additional license for every 10 or 20 yards; I would have it on a sliding scale, say for every 50 yards 5 *l.*

5292. And for every additional 25 yards, how much?—I would leave that to the conservators of the district; they are the best judges of that.

5293. Do you think that any alteration should be made in the size of the mesh of the net?—Yes, I think so; if you make an alteration there, you put an end to the hang nets altogether; I should like a maximum size, not more than two inches in all nets, and a minimum of not more than one and a half inch.

5294. Would that be for the purpose of getting rid of the bull and sea trout?—Yes, that would be the means of destroying the bull trout, which increase in nearly all rivers; the grilse of the bull trout are only one and a half or two pounds, but they spawn just as well, and they are the greatest enemies that the salmon have.

5295. You are aware, of course, of what is being done on the Coquet?—Yes; that is being done under my supervision.

5296. Your object is to exterminate the bull trout?—Yes; and we expect to be able to thin them.

5297. You want to keep them in subjection, so that the salmon will have a fair chance?—Certainly. The bull trout are very inferior fish to the salmon, of course.

5298. And I believe they destroy the spawn of the salmon?—Yes; they are almost entirely autumn fish; they never go into the river in any quantities till after the season of the regular netting expires; they go and spawn on the very same beds, and destroy the salmon spawn; besides that, they accompany the salmon and gorge themselves with their spawn.

5299. Now, if the close time should be varied in the way you suggest, would you extend the time within which the fish may be sold, to the same extent?—Yes; by a distinguishing mark or certificate, or something of that kind.

5300. Probably you would throw the onus of proving where the fish was captured on the person offering it for sale?—Yes.

5301. Have you on the River Tyne especially found the necessity for having the boats numbered?—Yes; we are not able, as things are present, to distinguish who are poachers and w are not.

5302. You would have the boats number just in the same way as the pilot boats are nu bered now?—Yes.

5303. Do you propose to have any mark the nets?—Yes, a small buoy or cask that wou cost perhaps about 10 *d.*, and hold one gallon two gallons. I would have it painted with t board mark of the district, and I would have t number of the license upon the buoy attached each net.

5304. So as to distinctly identify the nets an the person to whom it belongs?—Yes, and th length of the net should be specified on the buo also.

5305. I suppose you are aware that stake ne were abolished off the coast of Northumberlan by the Act of 1861?—Yes.

5306. In your opinion were the stake ne much less destructive and much less injurio than the hang nets?—Yes, much less so.

5307. Therefore you would rather have stak nets if you must have either?—I would rathe have the bag and stake nets; in those nets th fish are all taken alive, and if there are any un seasonable fish they can be thrown into the se again, but in the other kind of net they are a dead.

5308. Do you find that salmon smolts are ver much destroyed about this time of the year b trout fishers?—Very much so, in almost a rivers.

5309. Have you some remedy to suggest t the Committee for that state of things?—I have the river Thurso in my own hands, an forbid trout fishing from the 15th of April to th 1st of June, on any pretence whatever, and the I say I give them as much liberty as they like.

5310. Do you think that that system might b applied with great advantage to all the English rivers?—No doubt; the salmon smolt is a smal thing.

5311. You think that that arrangement woul save many thousands of young salmon?—Yes.

5312. Your proposal is that there should be no trout fishing from the 15th of April to the 1st of June?—Yes, it might vary in different rivers but that is generally the time they begin to go down to the sea.

5313. Have you had considerable practical experience in the construction of fish passes?—Yes. I have had the construction of fish passes under my superintendence; seven on the Aln.

5314. For the Duke of Northumberland?—Yes.

5315. Are they tolerably effective?—All of them are quite effective.

5316. Some of them are described in a pamphlet reprinted from the "Field"?—Yes.

5317. Are the descriptions given in the pamphlet tolerably accurate?—They are pretty accurate, I think.

5318. Was the Warkworth pass constructed under your supervision?—No; that was constructed under Mr. Tate's superintendence.

5319. He is the Duke's agent there, is he not?—Yes.

5320. Acklington is another one belonging to the Duke, is it not?—Yes.

5321. And Felton likewise?—Yes; that is on the Coquet.

5322. I

22. I suppose you consider it of extreme im-nce, that there should be a free passage for ish from the sea to the spawning beds?—

23. That is obvious?—There is no question t it.

24. Do any other suggestions occur to you regard to the improvement of the salmon ry laws in England?—No; there is a peti-from the Cullercoats fishermen, to say that ang nets kill a great many cod; on Sunday week, we caught one of the hang nets sunk anchored altogether at the mouth of the e; they had several more of them there, but ow propose to get a steam launch for the e fishery board.

25. The Cullercoats fishermen have memo-ed the Duke of Northumberland on the sub- and they are coming to give evidence before Committee, and they state among other altera-, that they deem necessary in the existing that they consider the existing law acts in-usly in preventing the introduction of new ods of catching sea fish, and in the restriction ne methods of capture which have been in time out of memory; do you agree with that? o; throughout the whole of Scotland, there such thing as a public fishery; it is all pri-; and all the while sea fishermen never at-t fishing close in shore; they always go out o sea, because they have the greatest takes e; there is no good cod to be obtained near shore as we all know, they are only thin, e, and weak fish, in fact, they are worthless; fishermen go out 40 miles to sea, and they e very fortunate in one place the other day; boat was supposed to have as many as 50 *l.* th of fish on board.

326. Nothing of the kind can be done, I ose, so near shore as they fish for salmon?—hing.

327. They also state, in their memorial, that present restrictions with regard to the sal-fisheries are more stringent than necessary, ou agree with that?—No; I think they are half stringent enongh. What I say is, if want to exterminate the salmon altogether, hem go on as they are now doing.

328. Have you seen the memorial sent by Cullercoates fishermen to His Grace the e of Northumberland?—No.

329. But you state it, as your firm conviction, the system adopted of fishing with hang nets ht to be discontinued?—Entirely.

330. The greater quantity of salmon in the r 1868, I believe, occasioned a great increase he number of boats that were used in fish-?—Yes; the innkeepers and beer-house ers took out licenses, and let out the boats to r parties at so much a net; they came in, e with a few fish, and some with no fish.

331. That brought into the trade a great y people who know nothing about fishing?—great many people who know nothing about ing. I may mention another thing about the yness of the fish, which is this: I found it of the greatest benefit to allow the early fish escape; I think the Tyne should not open l the 1st of April; the early fish produce the spawning; they go up on the river Thurso; never kill any of them; they are the first to wn; I would have no salmon captured with until the 1st day of April. In fact, it does pay the fishermen's expenses to catch salmon

before that date, and I would forbid it entirely until then.

5332. You think that they do harm without doing any good?—Yes.

5333. Do you think that such a restriction placed on those people would be for their own benefit ultimately?—Yes.

5334. You consider that a late river may be made comparatively an early river?—I do. I consider that they may. If there are any early fish at all, let the fish escape, and they will produce early fish.

5335. Mr. *Herbert.*] I presume that you would not forbid early fishing in a river where the run of fish is very great?—No; only where there are few fish. I would let them escape; and there would be three times as many in a few years. But the Boards of Conservators should have power to make bye-laws on that subject.

5336. With regard to Norway; is it not the case that, owing to the increase of fishing at the mouths of rivers, there has been a law passed by the Government to regulate it?—Yes; theyare not allowed to fish within so much distance of the mouth of the river.

5337. That was in consequence of the diminution in the fisheries of Norway, was it not?—Not altogether. I remember that they had falls at the little mills, and the smolts or smelts go down those mill leads, and they put them in baskets. I saw once a bushel of young smolts in baskets. All the fish were dead in the basket, and they told me it was trout, but I know that it was young salmon.

5338. That would be an argument for putting a grating at the head of the mill stream, would it not?—Yes. I think that is more injurious than nets, seeing that thousands of them are killed in that way.

5339. I think you said you would stop trout fishing during two months and a half?—I would stop it for six weeks; that is to say, from the 15th of April to the 1st of June.

5340. How would you do in rivers where the smolts were found all the year round?—They are all the year round in all rivers, but they do not take so greedily.

5341. But in places where they take nearly as readily when they are in a state of par, what would you do?—We cannot regulate that. It is only when they go out in great shoals that they will take anything.

5342. Mr. *Knatchbull-Hugessen.*] Generally speaking do you approve of the Bill introduced last Session as far as it went?—Yes, as far as it went.

5343. But your opinion is that it did not go far enough?—Just so.

5344. Do you think that it went as far as public opinion would justify?—Yes; I think it was a fair Bill.

5345. I suppose you think that it is better to advance gradually with the tide of public opinion rather than to go beyond it?—Yes, I approve of going on gradually.

5346. Mr. *Pease.*] With regard to the Tyne fishing, is it not the fact that the way in which the Cullercoats fishermen fished in the year 1868 has cured itself, and that instead of a great number taking out licenses, there are now only a very few?—There are fewer this season than last year, and there were fewer last year than in the year 1868.

5347. Therefore the evil has practically cured itself?—Yes, and my opinion is that it will cure

Mr. *W. Dunbar.*

26 April 1870.

itself still further, and that there will soon be no license at all to be taken out.

5348. Do you think the Tyne would employ more men if the fishing was judiciously regulated, and those hang-nets very much cut down or regulated than if there were free trade?—Yes, it would make it fair for every person.

5349. That would improve the livelihood of the fishermen on the whole, would it?—Yes, it would be better for everybody.

5350. When you saw those 200 nets at work, were they not almost all on the north side of the Tyne?—They were on both sides of the Tyne.

5351. But the greater portion of them were to the north side, I suppose?—Yes, between Tynemouth and Mary's Island.

5352. Have you very often been there when there has not been a boat at the south side?—Yes; frequently; but that depends on the season of the year.

5353. Is it not the fact that the large shipping trade from the Tyne passing to the south, keeps that ground open from the drag nets?—The large ships.

5354. Do those ships at all interfere with the increase of salmon in the Tyne?—No; it is the nets.

5355. Therefore, in spite of the drag nets, the Tyne is so far open?—Yes; but I find fault with the hang nets and not the drag nets; the hang-nets fish at all seasons day and night.

5356. But those hang nets working to the north side of the Tyne, leave the south side clear for the fish, do they not?—There is sometimes a piece of ground there that may be clear, but where the river is suitable, there is not a bit of the pool clear; the ships cannot come in but at high water.

5357. I beg your pardon, they can surely come in on the Tyne, can they not?—Yes, they can do so now, but when I knew it first they could not.

5358. There is now a large depth of water at the bar of the Tyne?—Yes; there is now a large depth of water there.

5359. Mr. *Hambro.*] I understand you to say, that you had rented fisheries in Norway?—Yes.

5360. Could you inform the Committee when you ceased to rent those fisheries?—It was in the year 1865.

5361. Why did you cease to rent those Norway fisheries at that time?—Because it was not convenient for me to carry them on; I have plenty to do at home.

5362. Then it was not because the supply of salmon fell off?—No.

5363. The supply of salmon did not fall off in the rivers which you rented?—No.

5364. Will you be kind enough to mention the names of any river which you rented in Norway; did you ever fish in the Orkla?—Never.

5365. Or in the Sundal?—No; I have fished on the sea coast, near the Sundal, and I have fished at Sundal, but it it was altogether sea fishing, a very little river fishing; the river I had was kept for angling. I had also Lindal in South Norway, both sea and river fishing.

5366. I believe that you introduced net fishing, or encouraged the natives to fish with nets, much more extensively than they did previously to your going there, did you not?—No, they were better up to that mode of fishing than we were.

5367. Then it is not true that your visits to Norway were productive of more harm to those rivers than those of many other gentlemen visited Norway?—That is not true; I had few nets that they could not do any injury; sides, the extent of the sea board is so enorm and I had not a dozen nets there altogether.

5368. But you know that the sea board is v extensive, that the estuaries are very open very narrow, and that the nets are placed a v short distance from one another?—Yes; but t had made use of bag nets before I went there.

5369. But you increased very largely the mon trade, between England and Norway, you not?—I bought a great many fish from natives.

3370. For which they had not previousl market?—Just so.

5371. You produced a demand, and suppl that demand, and the fisheries fell off consid ably, did they not?—They did not fall off w I had them, they increased at that time, whoe said that it is not the case, because they increa every year when I had them.

5372. If it was a good speculation, and fish increased, why did you give it up?—Beca I could not be at home and there to; I was n lecting my business at home; it was a quest whether I should be here altogether or go th altogether, to which my family would consent.

5373. Mr. *Liddell.*] Suppose the Cullercoa fishermen were debarred from using the h net, would you propose to enable them to s stitute any other net in its place, or would prohibit them from fishing in the sea at all?—N let them fish in the sea as much as they ple with hand lines, and so on.

5374. But they would then catch no salm would they?—No.

5375. Therefore, the effect of prohibiting use of the hang net would be to forbid sal catching in the sea, would it not?—Yes; they would catch a great deal more white fi out of which they would get a much bet harvest.

5376. Are you aware, whether there were a hang nets used at all previously to the year 186 —I was not there in 1861, but I know that ha nets were used on the mouth of the Tweed un the Act of 1857 put an end to it.

5377. Were they specially prohibited then fixed engines?—They were entirely prohibited

5378. Because they were so destructive? Yes, because they were so destructive.

5379. You propose, as I understand you, order to preserve the smelts, that all trout fishi in salmon rivers should be prohibited from t 15th of April to the 1st of June?—I say that would be a very good thing; but I am ve doubtful whether that could be done.

5380. That would create a sensation amo the trout fishermen, would it not?—Yes, it mig do so, but that is not the case at home with m for I give them full liberty for the rest of t season.

5381. But you are, I will not say a tyrant, b a despotic man on the River Thurso, are y not?—Yes; I have the sole control of th river.

5382. Did the river all belong to one pr prietor?—Yes.

5383. Consequently you were enabled to ma conditions and arrangements which would be ve difficult in many, if not most rivers?—course.

5384. I believe that the Thurso is a very pecu- r river, and adapts itself to your mode of nagement?—Yes; I can do what I like there, l it is my object to make it as productive as ssible.

5385. And you have succeeded, have you not? Yes; I have succeeded.

5386. In what year did you first go there?— the year 1852.

5387. That is 18 years ago?—Yes.

5388. Did you find that there was any jealousy t or expressed at your taking the whole of the er from its source to the mouth, and also the v?—No.

5389. In fact, there was no local feeling ex- ed about it at all?—No.

5390. I need hardly ask you if the neghbour- g fisheries are quite favourable to your con- uing there?—Yes, quite so; I have renewed r lease for 19 years, with the consent of the prietor; I may say that it has benefited the ole of the neighbouring proprietors.

5391. The Thurso is the earliest salmon pro- cing river which you know, is it not?—It is e earliest salmon producing river in the king- m, I believe.

5392. Was it so when you first went to it? There were a few good early fish then, but hing like what there is now; we kill now as ch with rod and line, as were killed with the ts before.

5393. Have you ever attempted to explain, to ur own satisfaction, why the Thurso is so very ly a salmon producing river?—Yes, I consider at there are early and late salmon, just as there an early and late breed in other animals, and ly and late vegetables, and early flowers and e flowers.

5394. Snowdrops and roses among salmon?— s.

5395. Does your experience lead you to think t the smolt, bred by the early salmon, does it- f return earlier to the sea than the ordinary olt bred in April?—No, because the tempera- re of the water is too cold for them. They do t get on their smolt dress until a certain time.

5396. And they do not go back to sea until ey get that dress?—No.

5397. Then how do you account for the fish ming up so very early, if the smolt all go down the same time?—The difference is this, that the ly fish produces an early smolt, and he has got inclination to go up early, just as an early ple-tree produces early fruit.

5398. You were asked about the fishing north l south of the mouth of the Tyne; now, does ur observation lead you to think that the great dy of the fish come from the north or from the th?—From the north.

5399. And is that so in all rivers that you w?—In almost all rivers.

5400. Is it not the theory of practical men, t the fish find their feeding grounds in the der regions of the North Seas?—Yes, no ubt.

5401. And that in the warmer waters of the th Seas, the salmon do not exist at all?—Just and that may be the reason why the fisher- n go out with the hang nets northward, so as neet the fish on the run.

5402. *Chairman.*] With regard to the mode in which fishery boards are formed in this country, do you think that that system, is desirable?—I approve of the present system, that the upper proprietors and the lower proprietors should have an equal interest, because their interests are identical.

Mr. *W. Dunbar.* 26 April 1870.

5403. Then you would not have the board elected as has been suggested by some of the witnesses before this Committee?—No.

5404. You think that the system works well at present?—I think that it works well in all the different boards that I know.

5405. You have never heard complaints about it, I suppose?—Yes, I have heard complaints, but I do not think that they were well grounded.

5406. Do you think that the use of nets should be prohibited near mill-dams and weirs?—Yes.

5407. To what extent would you go?—I would like to say a couple of hundred yards.

5408. You think that that would be better than the present limit?—Yes, but certainly not less than 50 yards.

5409. Is it your opinion that there should be power given to water bailiffs to search the persons of suspected people?—Yes.

5410. They may now search their baskets, may they not?—Yes, and I think there should be power to search their houses for nets. At Thurso the other day I detected a lot of poachers just through that. I went and obtained a warrant under the Scotch law, by making an affidavit, to search the premises, and we found a net and six salmon.

5411. My question was rather directed to giving that power to water bailiffs without any search warrant?—I think that would perhaps be too arbitrary, but I would certainly give them power to search baskets to see if there were any small fish taken.

5412. Do you think that power should be given to water bailiffs to traverse the banks of salmon rivers in the discharge of their duty?—Decidedly.

5413. Mr. *Liddell.*] The Committee have heard a good deal about the antagonism which exists between the upper and lower proprietors; now, will you inform the Committee whether your experience does not lead you to the belief that the interests of both bodies are identical?—Yes; my belief is that their interests are identical. The only thing is that they want to vary the close time, and the upper proprietors do not want the same close time as the lower proprietors; they want the fish to get a run through.

5414. But in any legislation on the subject, you must consider the rights, and, to a certain degree, the feelings of the upper proprietors, by giving them a fair share of the fish to induce them to attend to the spawning beds?—That would be to the interest of both the lower and upper proprietors.

5415. From your extensive knowledge and experience, your opinion is that, if equal justice were done, the whole of any given river would be benefited, as well as all classes of fishermen?—Yes, no doubt all the people connected with the fishery.

5416. *Chairman.*] Is there any other matter that you wish to bring before the Committee?—No.

Tuesday, 3rd May 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Liddell.
Mr. Assheton.	Mr. William Lowther.
Mr. J. Dodds.	Mr. Pease.
Colonel Edwardes.	Earl Percy.
Mr. Herbert.	Mr. Evan Richards.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. William Lisle, called in; and Examined.

Mr. *W. Lisle.*

3 May 1870.

5417. *Chairman.*] You reside at Cullercoats, do you not?—Yes.

5418. That is on the coast of Northumberland, about two miles north of the Tyne, is it not?—Yes.

5419. Are you a fisherman?—Yes.

5420. What age are you?—I was born in the year 1836, which makes me 34 years of age.

5421. Have you been a fisherman all your life?—Nearly so; with the exception of about two years.

5422. I believe there are a great number of fishermen at Cullercoats, are there not?—Yes; a great many.

5423. How are they principally employed?—With lines; line fishing and nets.

5424. That is to say in sea fishing?—Yes.

5425. Altogether sea fishing?—Altogether sea fishing.

5426. How long have you been engaged in salmon fishing?—I have been engaged in salmon fishing for the last three years; this is my third season.

5427. The year 1868 was your first season, then?—1868 was my first season.

5428. Had there been any considerable amount of salmon-fishing in the sea in your neighbourhood before the year 1868?—In 1867, there were a few boats fishing.

5429. Was there any salmon fishing in the sea near Cullercoats in the year 1861?—None.

5430. None whatever?—None whatever; there was fishing for trout, but not for salmon.

5431. That is to say, fishing for trout in the sea?—Yes.

5432. When did you commence fishing for salmon?—In the year 1867, the Cullercoats men began to fish for salmon.

5433. That was the first year?—Yes, there were about half a dozen boats fishing for it, and one of the men made good wages.

5434. You mean one of the Cullercoats men?—Yes.

5435. I suppose that those were men who had been previously employed in deep sea fishing?—No, those were generally old men that had been employed in fishing for trout; they made nets for catching salmon, and they found that they got wages by it, and that induced all the men to try it in the year 1867.

5436. Before the year 1867, for so long as y remember, there had been scarcely any salmon the sea near Cullercoats, I suppose?—The were salmon, but not enough, to pay for fishing

5437. You mean they were not sufficient numerous to induce anybody to fish?—No, th were not.

5438. To what do you attribute the increas production in the sea salmon fishery, in the ye 1867; that is to say, what had caused the increa in that year?—I think the increase was occ sioned by the removal of the obstruction up t river, the dam at Bywell.

5439. You think that the removal of that B well dam enabled the fish to get up to the spaw ing ground?—Yes, it enabled the fish to get to the spawning ground.

5440. So they have increased in the way whic you have mentioned?—Yes.

5441. I believe that in the year 1868 a ver considerable number of persons took out salmo fishing licenses?—Yes, there were perhaps 20 boats, they thought that they had found a gol mine, but they found their mistake out.

5442. Were they not very successful in th year 1868?—Some were.

5443. Were you successful?—Yes, I was on of the lucky ones.

5444. You did find a gold mine?—No, but made pretty good wages.

5445. You did not, in that year, kill the goos that laid the golden eggs?—No.

5446. But in the year 1869, did the fishing con tinue to improve?—No, the year 1869 was very unfavourable for fishing.

5447. Were there a considerable number o licenses taken out in that year?—Not so many the men that had speculated, and found it did no pay in the year 1868, did not go at it again in th year 1869.

5448. Were they generally very unsuccessfu in the year 1869?—Very.

5449. In this year have many licenses bee taken out again up to the present time?—No there are less again this year; fewer by hal than last year.

5450. Have you a license this year yourself —Yes.

5451. Have you used it?—Yes, I have use it.

5452. Wit

5452. With what result?—It is better than
t year.
5453. Has the fishing been satisfactory up to
e present time?—Yes.
5454. What is the mode of fishing used on that
rt of the north-east coast?—The drift net.
5455. That is what is called the hang net, is it
t?—Yes, but we call them drift nets.
5456. What is the character of that net; have
u one here?—Yes, I have a portion of one here
roducing the same).
5457. Will you be kind enough, before you
oceed to describe that net to the Committee,
state whether you had any stake nets before
61 on that part of the coast?—There were
ake nets, or bob nets, used at St. Mary's
land.
5458. That is to say, nets fixed to the shore?—
es, close to the shore.
5459. But all those nets have been abolished
the Act of 1861, have they not?—Yes, they
ve been removed.
5460. Do you remember the time when they
ere first used; they were modern nets, were
ey not?—Yes; I remember those bob nets
ing first used.
5461. And now the kind of net that you use
the one you have before you?—Yes.
5462. Will you be kind enough to describe
at net to the Committee?—Yes, I will do so
*he Witness produced a hang net, and described
operation to the Committee*).
5463. What is the size of the mesh of that net?
It is three inches from knot to knot; that is, a
x-inch mesh, or rather more.
5464. Being 12 inches round?—Yes, it is 12
ches round.
5465. Is that the only net that you use in fish-
g?—In fishing for salmon it is the only net
at we use. Of course, we use a smaller mesh
r trout.
5466. What is the depth of that net?—The
pth of the net is about four fathoms; that is to
y, from 20 to 24 feet.
5467. Is that the usual depth of the net that
u use?—That is the usual depth of the net
at we use.
5468. How are they fished?—They are shot
t.
5469. Hanging in the sea?—Yes.
5470. At the top you have cork floats?—Yes.
5471. And lead at the bottom to sink it into
e water?—Yes.
5472. When it is fishing it is suspended in a
rpendicular position?—Yes, you can see it
nging down.
5473. The leads resting on the bottom?—No,
e leads are many fathoms from the bottom; the
p of the net just drifting along close up to the
rface of the water.
5474. They are not very heavily leaded, are
ey?—No, they are not very heavily leaded;
st sufficient to sink the net.
5475. They keep it upright, I suppose?—Yes;
herwise it would take the corks down.
5476. What is the weight of each of those
ads?—A few ounces.
5477. Not quite half a pound, perhaps?—
ist so.
5478. Now what is the length of an ordinary
t of that kind?—From 100 to 200 yards.
5479. Is that the description of net that you
e for your ordinary sea fishing?—Yes; but for
lmon fishing only.

5480. Is that the kind of net that you used before you began salmon fishing, say in the year 1865?—Yes that is the kind of net that we used for different modes of fishing principally.

Mr. *W. Lisle.* 3 May 1870.

5481. And for ordinary purposes, the length you use is from 100 to 200 yards?—No; some nets for some kinds of fishing would require to be longer.

5482. But an ordinary net is from 100 to 200 yards in length?—Yes.

5483. When you are fishing in the way that you have mentioned with those nets, are you in the habit of fastening several of them together?—Yes; chiefly for convenience in taking them in and out of the boats and drying them, otherwise they might be in one length.

5484. And stretching them in a long line?—Yes, in a long line.

5485. What is the greatest length that you have ever known to be used?—About 500 to 700 yards is the greatest length.

5486. That is nearly half a mile?—Yes.

5487. We have been told by other witnesses that not unfrequently the nets are attached together for a much greater length than that; is that the case, do you think?—That is not the case.

5488. Are the salmon nets and the trout nets the same?—Yes; they are the same, except as regards the size of the mesh.

5489. In what manner are the fish caught in the net that you have shown to the Committee?—The fish swim into the mesh of the net, and they are fastened in the net.

5490. How are they fastened in the net?—They generally get up over the shoulder, but more often up towards the first fin of the belly, generally they are slung in the middle.

5491. They are hung?—Yes, but not strangled.

5492. How long do those nets remain set?—It all depends; suppose there is a vessel coming in, you may have to draw them in five or six times during the night.

5493. But under ordinary circumstances, I mean, how often are those nets drawn in?—Under ordinary circumstances about twice in each night.

5494. When you draw the nets in, are the fish alive or dead?—They are always alive; great care has to be exercised in getting them in, or else you will lose the fish; you can see the net moving 20 or 30 yards away, you can feel it the same as pulling at a string when the fish is in the net.

5495. Are not the hang nets very destructive?—Not so destructive as has been told you by other witnesses; not nearly so.

5496. Can any fish escape them?—They have every chance to escape either by leaping over the tops of the corks, which they often do, or going underneath, or swimming along the net.

5497. I suppose they usually swim within the distance which the net occupies?—No, some at the bottom and some at the top; as a rule they are generally up towards the top; that is near the surface of the water.

5498. You make the net sufficiently deep to intercept the fish as they pass along?—Yes, as nearly as possible.

5499. Are the nets which you have described principally used by the regular fishermen there, or by others?—They are used by the regular fishermen, and by others who are not regular fishermen.

5500. In the year 1868, were a great many

Mr. *W. Lisle.*

5 May 1870.

persons who had not been fishing up to that time, induced to become licensees?—Yes, anybody who had capital advanced money, got boats and nets, and got men to go into them.

5501. They speculated, in fact?—Yes, they speculated.

5502. Equipping boats for the purpose of embarking in the fishery trade?—Yes.

5503. What class of men were principally employed in the boats by those speculators?—Anybody that knew anything about a boat; any kind of boatmen.

5504. Is the business of a fisherman a very lucrative one generally; does it pay pretty well?—Fishing in general is only a middling trade.

5505. What capital does it require to work a salmon boat?—It requires 50 *l.* to buy a boat and nets.

5506. That is to buy everything you require?—Yes, everything you require.

5507. Except the manual labour?—Yes, except the manual labour.

5508. Can you give the Committee an idea of the number and value of the fish taken by your own boat in 1868?—I did keep an account of the money that I worked for in the year 1869; I know that on the average I only made 10 *s.* a week; but in the year 1868 it was much more than that; I know that, although I did not keep an account in 1868.

5509. But it was considerably more than 10 *s.* per week?—Yes; many boats did not make 10 *s.* a week in the year 1869.

5510. Did it give a fair return for the capital invested and the labour expended generally speaking, that is to say in the year 1868?—Yes, in the year 1868.

5511. And in the year 1869?—No, far from it.

5512. Do you anticipate that it will this year?—This year I hope it will.

5513. But do you anticipate it will?—So far as the season has gone, it gives every prospect of doing so.

5514. If it is likely to be a successful season, there will be a large number in it again, I suppose?—There will be a large number of people in it again, as the season promises to be more successful.

5515. What kind of fish are usually caught in the net which you have described, are they generally clean fish?—Yes, I never caught an unclean fish; they are all clean fish.

5516. Are there many unclean fish caught in those nets?—I believe that there has not been more than four or five unclean fish caught by all the fishermen put together during the last three seasons.

5517. Can you give the Committee any reason why no unclean fish have been caught?—When they first come down from the river, they go right down to the sea in deep water; they do not come in the way of our nets, which do not go so far out.

5518. Former witnesses who have been examined before this Committee, say that your nets are principally set on the north side of the Tyne?—Yes.

5519. Do you set any on the south side?—No, there is so much traffic, it cuts the nets in pieces, and carries them away, and we lose them.

5520. That is the only reason, I suppose, for not setting any there?—Yes, that is the only reason. There is plenty of fish on the south side, but we cannot fish for them.

5521. Mr. *Liddell.*] Has the fishermen any remedy against a ship or boat which carries away his net?—No.

5522. *Chairman.*] What is about the average weight of the fish that are caught in the nets which you have described to the Committee, are they generally above 6 lbs. or 7 lbs.?—I should say that 10 lbs. was the average weight.

5523. Did you ever catch a fish of less weight than 6 lbs. or 7 lbs.?—Never.

5524. They would go through the mesh, I suppose?—Yes, they would go through the mesh; 7 lbs. is about the smallest; 6 lbs. is the lowest I ever heard of, and I never got one under 7 lbs.

5525. We have been informed, by witnesses who have been examined before this Committee, that the fish are very often killed by those nets, is that so?—No, that is not the case.

5526. Then, are they not called hang nets in your neighbourhood?—Yes; but drift nets is the principal name, hang net is rather a vagabond name.

5527. But as a matter of fact, are they not very generally called hang nets?—Yes, people about the neighbourhood call them so.

5528. Why are they called hang nets by the people in the neighbourhood?—I am sure I cannot say whether they think the fish are hanged in them.

5529. You think that is probably the reason?—Perhaps so.

5530. Do you frequently lose your nets during stormy weather; are they carried away by storms?—Not generally, we haul them in, and make for land when a storm comes on.

5531. Do you lose them by vessels cutting them in two?—Yes; one-half or the whole of a net is sometimes lost in that way.

5532. Those nets wash ashore sometimes afterwards, I presume?—Yes; sometimes they drift round about for weeks, before we get them again.

5533. And occasionally with salmon in them, I presume?—Yes; sometimes with dead fish in them. Of course they are dead after floating that long in the water.

5534. Do you find that you take fish very readily on bright still nights?—No; no fish will take the nets then. The salmon are very acute fish; it is only under very favourable circumstances you can catch them. The stormier the weather, the better for catching salmon.

5535. Within certain limits, I suppose?—Yes, at sea. It cannot be too stormy, providing you can lie out to catch them. Of course you might have to come ashore and leave off fishing if the weather was very stormy indeed.

5536. How near do you fish to the entrance to the Tyne; how near to the Tyne Pier?—We generally drift up close to the Tyne Pier, and then haul the nets in In the harbour mouth there is too much traffic.

5537. The nets drift along with the tide, and then you draw them in at certain points?—Yes.

5538. You fish close up to the north pier, do you not?—Yes, close to the north pier.

5539. There is no place, until the fish get into the river, where they can escape your net?—Yes, there is all the south side, and all the open of the harbour.

5540. Do you know anything of the spawning grounds in the North Tyne and its tributaries, the Reed and so on; have you been up there?—No.

5541. I suppose the Committee may take it at there is a large extent of excellent spawning ound up there?—Yes; and I hear that the nservators have bought the Woodburn dam. expect that next season we shall have plentiful hing in the sea.

5542. You do not use any draft nets, I be-ve?—No.

5543. Are they used within the entrance of e Tyne?—Yes.

5544. In the estuary and within the tidal ater?—Yes; that will have a great tendency reduce the number of fish.

5545. You think that the drift nets do no arm, and that the draft nets do all the mischief? -They will do no harm compared with what the raft nets will do there.

5546. The drift nets, you think, will do little arm compared with the draft nets used in the tuary?—Just so.

5547. There is a very considerable traffic be-ween the Tyne Bridge and the Tyne Pier, is ere not?—Yes.

5548. That traffic is very great indeed, is it ot?—Yes.

5549. Is it not rather difficult to fish there?— ot with the draft net, because they shoot the ets across the river and watch when there are o vessels.

5550. You are aware, I presume, that last ear the Tyne Fishery Board introduced a Bill to Parliament?—Yes.

5551. They proposed in that Bill that there ould be a maximum mesh of net, did they not? -Yes.

5552. What is your opinion about that?—I do ot think there is any necessity for it.

5553. Do you think that a minimum size is re-uired?—I think that the minimum size might e rather larger than it is at present, so that if here were any small fish caught, it would let hem through.

5554. What size would you say?—I should y a five-inch mesh, two and a half inches from not to knot.

5555. That would be 10 inches round, instead f eight, would it not?—Yes. But then the ifficulty arises again with regard to catching rout.

5556. What difficulty do you allude to?—That he present mesh, as established by law, is too rge already. The trout are very small fish; ½ lbs. to 2 lbs. weight, on an average.

5557. Then why would you make the mini-um two and a half inches, if you think that the resent size is too small?—But that difficulty ight be got over with regard to the trout fishing, hich is carried on close in shore, where there is eldom or never any salmon.

5558. You propose a different size of mesh to e used in different portions of the same district? -Yes; I propose a different size of mesh for ifferent kinds of fishing.

5559. You would have that fixed by bye-laws, presume?—No, by no means.

5560. How would you do it, then?—I should ay, let us have it fixed by some central autho-ity.

5561. Bye-laws made in the locality, and con-rmed by some central authority, I mean by Act f Parliament?—No. There are so many local rejudices; and the sea fishermen would not be irly represented.

5562. But is it impossible to get a fair repre-sentation?—I am afraid it is so, because the river interests are predominant.

5563. But if their interests could be fairly represented, would there be any difficulty in accomplishing that?—I should hardly like to say; I am inclined to think yes.

5564. But what would you do with regard to the mesh, if you had absolute power; you think that there should be no maximum outside, but that there should be a minimum inside?—If a man was fishing for trout and caught a salmon in the net, and offered it for sale, I should punish that man for catching salmon with a small sized net, because he might have sent that fish away again.

5565. How would you discover that he had caught the salmon?—By his offering them for sale. The water-bailiff would know that.

5566. What water-bailiff?—The policemen employed by the conservators to look after the fisheries. They come in generally and overhaul the boats to see what they have got in them; if they found them fishing for trout and they had salmon in the boat, they would know they were poaching.

5567. Would you have regulations with regard to nets used for trout fishing; should they, in your opinion, be placed under some inspection and regulation?—No, I do not think it is necessary. As the law is now, trout fishing is practically abolished. The way we fish for trout is this, we place a stone upon the net, and shoot the net in a half circle; we also place a stone on the other end and go round and plash the fish into the net; if the water-bailiffs come and find you plashing the net, they take it away; it is a fixed engine and it is illegal; and we should wish to be able to temporarily anchor the salmon nets in the same way.

5568. You want to fix them to the ground?—Yes, so as to avoid risk from collisions.

5569. Do salmon ever come in shore at night?—Very seldom; I think they more often go into deeper water as night comes on.

5570. Do sea trout ever come in shore at night?—They come as close in shore as they can get.

5571. Therefore you think there would be no difficulty in distinguishing between the two?—Just so.

5572. Do you take salmon out at sea during the day, or only at night?—Only at night, after dark.

5573. Are there any exceptions to that rule?—Yes, there are exceptions, but they are quite exceptions.

5574. Have you found the Salmon Fisheries Acts of 1861 and 1865, interfere prejudicially with your previous occupation?—Yes, there are various modes of fishing that they interfere with.

5575. Will you be kind enough to explain those to the Committee?—There is the Norwegian line fishing as practised now; the nets drifting over the grounds sweep away those lines, whereas, if we could anchor them, that would not be the case.

5576. But that interference results from the particular mode in which you use those nets?—Yes, but we cannot prevent that; if we set our lines, and we go fishing for salmon, they drift over the ground, or sweep the lines away.

5577. But there is nothing in the law to interfere with the use of those Norwegian lines, is there?—No.

5578. It is merely the mode in which you fish under the Act of 1861, that produces the result?—Yes,

Mr *W. Lisle.*

3 May 1870.

—Yes, but if we were allowed to anchor our nets, they would not drift over them.

5579. Do you suggest to the Committee that you should be empowered to anchor the nets, in order that they may not sweep away those fishing lines?—Yes, but only for the time; we are actually fishing for salmon.

5580. Is the Norway cod net interfered with at all?—That is illegal. That is a mode of fishing that we borrowed from the Norwegians; to fish for cod, you must put them to the bottom and anchor them; in that case the salmon might get entangled in the net, and then it would be illegal.

5581. At what distance from the shore do you fish for cod?—Close in to shore you get plenty of prime cod, and if we were allowed to catch them at one season of the year, about December and January, we could get plenty of prime cod.

5582. Do you get the best cod in deep water?—They are in more considerable numbers, but if we could get them close in shore, we should not go into deep water.

5583. But do you not get them of a better quality 20 or 30 miles from the shore?—Not of a better quality.

5584. If that is the general idea, you think it is a mistake?—I do; it is true they are greater in quantity out at sea, but not better in quality.

5585. It is more lucrative to go out 20 or 30 miles, than to fish close in shore for cod, is it not?—I do not think it would be more profitable if we were allowed to catch them in shore with nets, instead of with lines, taking into consideration the amount of money spent in buying bait and so on.

5586. Before the year 1867, did you go out a considerable distance to fish for cod?—Yes; I followed the deep-line fishing.

5587. Not fishing in shore?—Not fishing in shore.

5588. That practice has begun since you began to fish for salmon, has it?—Yes; because we found as we drifted in shore, when the nets got fast to the bottom, we could catch cod in them, and we thought that we could make it pay.

5589. Was there formerly a very extensive crab fishery carried on at Cullercoats?—Yes.

5590. Do you also disturb the crab-pots?—Yes; the salmon net, as it drifts along, sweeps them away in the same way as the lines.

5591. But there is nothing in the law interfering with crab-pots, is there?—No, not fishing with crab-pots.

5592. I suppose that that mischief would also be remedied, if you were permitted to make your nets into fixed engines?—Yes; if we were allowed to anchor them for the time.

5593. If you had them permanently fixed to the ground, you would not require them to be of such great length, I suppose?—My opinion is, that the fishermen ought to be allowed to use any length of net that they can afford.

5594. You would allow them to stretch from the shore as far as they thought proper?—Yes, because even if they were allowed to anchor them, my opinion is that on certain nights, if they had 20 miles of net, they would not catch a salmon.

5595. But when the nights were tolerably stormy, would you not catch every fish coming into the river?—No, but we might get good takes.

5596. But almost every fish that is coming along would be caught, would it not?—No, nothing like all the fish.

5597. Those fish are generally making their way to the Tyne for the purpose of getting up to the spawning beds, are they not?—No, I think not; because at that season of the year they never go up. It is only about the month of August, I think, that they go up to spawn. In other time of the year they are at sea swimming about, and feeding like other fish, and then they get entangled in the nets.

5598. From which direction are the fish usually coming when they are caught in your nets?—In all directions.

5599. Had you a mackerel fishery there formerly?—Yes.

5600. Was that carried on to any considerable extent?—No, not generally, but I never fished for mackerel myself.

5601. You have not seen it much?—No, but I know that there are plenty of mackerel to be got, only that we are not allowed to catch them.

5602. Why are you not allowed to catch them?—Because the nets would have to be fixed engines. The trout might get into the mackerel nets. They are the same sized net as we would wish to use for trout.

5603. You do not catch any mackerel now?—No, not many.

5604. Did you ever do so?—Yes; I have caught them in salmon nets.

5605. But did you ever fish for mackerel to any extent?—No, not exclusively; you can get plenty of mackerel when fishing for herrings; 500 or 600 at a haul, close in shore, perhaps, or two or three miles off; but shoals of mackerel come close in to shore, following the sprats that they feed upon.

5606. Do you approve of the present annual close time so far as the Tyne district is concerned?—Yes; I think it suits very well; it might be made a month or two later, say the 1st of April instead of the 2nd of February.

5607. That would make it two months later; I suppose, in fact, you do not catch many fish before April?—Not many; in fact, very few; the weather is so stormy, that we cannot go out.

5608. When did you take out your license this year?—I believe it was in March.

5609. You did not think it worth while to take it out in February, I suppose?—No; the weather was too stormy.

5610. How many fish did you catch in March?—I cannot say.

5611. Was it a very small number?—Very few; four fish, perhaps.

5612. Not enough to pay wages?—No.

5613. Is it usually the case that in the months of February and March, you do not take enough fish to pay wages?—No; we should do so, if the weather was fine, but you must go 10 miles from land, to fish for them.

5614. Do you require a license for that?—Yes; because if you come inside, you are liable to be taken on suspicion of having fished within the limit of the Tyne salmon conservatory district.

5615. Which are your best months for fishing, generally speaking?—Generally, the months of April and May.

5616. Then, as the season advances, the fish approach the shore, making their way towards the river?—Yes.

5617. Later in the season, in August, where are the fish?—They draw more towards the shore; they are within a mile or two miles then.

5618. Does

618. Does the present weekly close time meet h your approval?—Yes.

619. You think that it cannot be improved? think so.

620. You have already referred to bye-laws; s your objection to bye-laws and regulations ly to the local authorities generally?—Yes.

621. Would you have power to make bye- s and regulations at all?—No.

622. Not even by a central authority?—Not n by a central authority.

623. You would have everything within the of Parliament?—Yes; I would have every- g within the Act of Parliament.

624. I think you have already informed the mmittee, that you consider that the river pro- tors have a predominant influence?—Yes.

625. Has there been much antagonism ween the riparian owners and the fishermen side, or between the upper and lower pro- tors?—I do not know that there has been, so as this Bill is concerned.

626. But has there been, in actual practice, considerable conflict between the Culler- s fishermen and the riparian owners up the r?—No; His Grace the Duke of Northum- land took out actions to establish his rights, he has always generously granted the fullest rty to the Cullercoats men.

627. That was a question of right between Duke of Northumberland and the public, was ot?—Yes.

628. And it has been decided in his Grace's ur?—Yes.

629. But I am now speaking of the Tyne hery Board, and the Cullercoats fishermen; there been any conflict between them up to present time; that is to say, between the rd at Hexham and yourselves?—I cannot that I understand your question.

630. You say that there is antagonism ween you and the river proprietors?—Yes; y think that we catch more than our share of .

631. But with regard to regulations and so on, e you had any difference of opinion with them? Our opinion has never been asked.

632. You have never complained?—We have here to complain to.

633. Do you not know that the Board meets ularly at Newcastle and Hexham?—There e been some cases tried at the county courts.

634. But do you not know that the board ets regularly at Newcastle and Hexham?— .

635. Mr. Wheeler, your vicar, is a member hat board, is he not?—Yes.

636. Does he not then necessarily represent r interest there?—I dare say he would.

637. But have you anything to complain of h regard to the conduct of the Tyne Fishery ard?—Not in that respect.

638. Do you consider the present scale of nse duties a proper one?—I think they are much.

639. You mean too much for rod-fishing, I sume?—Too much for sea-fishing.

640. But notwithstanding that price, a large nber of persons were tempted to take out nses in 1868, were they not?—Yes; but in year 1868 the price of a license was only 2 *l.*

641. Now is it 5 *l.*?—Yes, it is 5 *l.* My nion is, that when the Conservators found so ny persons fished in 1868 they raised the price the license to 5 *l.*

.52.

5642. Was it not your opinion that the abundance of fish and the price charged for a license induced too many persons to enter the trade in 1868?—No: I think that was only the excitement of the time.

5643. But they found out their mistake?—Yes, they found out their mistake.

5644. Do you think that the excessive fishing in the year 1868 had anything to do with the diminished number of fish last year?—No; my opinion as to that is, that there were very heavy freshes, and the fish went so far out to sea that we could not catch them.

5645. And you never saw them again?—Just so; the captains of steam vessels told us that 20, 30, or 40 miles away they saw an immense number, but we could not follow them.

5646. You do not think that they had been frightened away by your nets?—No; they could not have been frightened away by our nets, because we had not commenced fishing then.

5647. But the old stake-nets used to frighten the fish out into deep water in the olden time, did they not?—I cannot say.

5648. Have you ever heard that stated?—No, I have never heard that. During the year 1869, after the fish came in shore, the weather was so fine and the water so clear, that they could see the nets, and you could not catch them; the sea swarmed with them; myriads of them.

5649. You occasionally have a good many Scotch fishermen, who come down to catch herrings?—Yes, a great number.

5650. Do those Scotchmen, when they come down, use nets of greater length than 700 yards? —Yes.

5651. What length are their nets?—I should say some of them have 1,000 yards of netting.

5652. Do they not anchor those nets for several days together?—No.

5653. Do they anchor them at all?—I cannot say; I am inclined to think not.

5654. But you do not know?—I do not know.

5655. I am told that they do anchor them, and that they are kept so for several days together? —I cannot say positively, but I am inclined to think not.

5656. Do you think that they ever find salmon dead in their nets?—No, not when they are fishing; it is only when the nets have been cut in two, and lost, that salmon have been found dead in nets.

5657. You have never heard of fish being found dead in the nets used by those Scotch fishermen?—No.

5658. Mr. *Liddell.*] Do you know that there was formerly an Act of Parliament regulating the Tyne fishery, known as the Act of 1842?—I have heard of it, and I was under the impression that there was a clause in that Act to allow the Cullercoats fishermen to use the plash net.

5659. Are you aware that there was a clause in that Act specially saving the rights of Cullercoats fishermen?—I have heard so.

5660. Are you aware that the Cullercoats fishermen were prohibited from using "any stake, bag, fixed, or stationary, or anchored net, or splash or hang net, capable of or adapted for the taking or destruction of fish of the salmon kind;" are you aware that that was one of the parts of the clause, saving the rights of the Cullercoats fishermen, in that Act?—I have heard there was a clause in that Act protecting the interests of the Cullercoats fishermen.

5661. But forbidding the Cullercoats fisher-

Mr. *W. Lisle.*

3 May 1870.

men specially from using what were then called splash or hang nets?—No, I never heard of that, because they always did use them.

5662. And the Act goes on to say: "nets by which any fish of the salmon kind shall be obstructed or impeded or prevented from entering the River Tyne;" are you aware that that is part of the same clause?—No.

5663. Are you aware that the Cullercoats fishermen were prohibited from using the splash or hang nets within half a mile of the bar, or entrance to the River Tyne, under that Act of Parliament?—No.

5664. You never heard that before?—No.

5665. Are you quite sure of that?—Yes.

5666. Have you ever talked the old Act of Parliament over with the old fishermen of Cullercoats?—Yes, but all they seemed to know was, that there was a clause in the Act of Parliament, by which clause they were allowed to use the splash net, but not that there was a clause to the effect that they were not allowed to use the net.

5667. Now, what is your idea of the reason why the Cullercoats fishermen were forbidden to use those nets within half a mile of the mouth of the river?—My opinion would be that I suppose that the legislature thought that there would be an obstruction to the fish in going up the river.

5668. Do you think that the Cullercoats fishermen, supposing that no unnecessary restrictions were placed on their fishing, would be willing to agree to abstain from fishing within half a mile of the mouth of the river?—Yes.

5669. You do think that they would be willing to agree to that?—I think so.

5670. Do you, as a fisherman of considerable experience, think that that would give considerable encouragement and facilities to the fish to get into the river?—I think so.

5671. You have stated that the fish caught in the hang nets are caught in the middle, and not strangled?—Yes.

5672. If that is so, how do you account for the mark which is invariably found just at the back of the head where it joins on to the body, in the fish taken in that net?—That is generally the first place where the fish strikes the net; as soon as ever it comes to where it cannot get any further, it makes a mark, but it goes in right over the gills up to the middle fin.

5673. You wish the Committee to understand that that is the result of the first blow; that the fish strikes against the net, and that that causes the mark?—Yes.

5674. You say there is no sign of the fish having been caught in that part, and hung in the net?—Just so.

5675. Now have you ever cut a fish in two that you had taken in a hang net?—Yes.

5676. What does it look like when you cut it?—Red.

5677. But does not it look all bloody through the tissues of the fish's flesh?—Yes; as soon as ever you cut it, the blood comes right through it at any part whatever.

5678. But is there no difference when you cut a fish that has been caught, say in your splash net, and a fish caught in the hang net?—No; there is no difference.

5679. That you declare?—I do.

5680. You have also stated that the fish are always alive when you take them out of the hang net?—Yes.

5681. I suppose you would qualify that ans by the time that the fish stays in the net?—I week or less the fish might be dead; but he remain in the net all night and the next day, he will not be dead.

5682. Do you watch those nets?—Yes; are always fast to the nets; a line is made from the net to the boat, and the boat drifts al with the net.

5683. Is that invariably the case?—That always the case.

5684. The nets are never abandoned?—No

5685. You said that you should like to fix y hang nets; I want to ask you whether you not occasionally fix them now?—It is sometim done.

5686. Do you remember a steamboat com down one night, either last year or the y before?—It was in the year 1868.

5687. Will you just tell the Committee wh that steamboat did; what did the steamboat co for, and what did she do?—I know this, that went across the nets and cut them to pieces, same as any other vessel would do.

5688. Did they seize any nets?—In the mo ing they did.

5689. Do you remember how many th seized?—No; but they got a good few.

5690. Why did they seize them?—Becau they were fixed.

5691. Do you remember whether there w a considerable number of nets seized on th occasion?—Yes; they got a boat load.

5692. Have you ever heard that they wou have taken more if they could have carried them —No. I believe that they got all they cou that morning.

5693. Those nets were confiscated, were th not?—Yes.

5694. Because they were illegal fishing e gines, they being fixed?—Yes.

5695. How did it happen that, on that pa ticular night, there were so many nets fixed?— The night before that we had been drifting, an had got no salmon. There were plenty of fi in the sea, and the men thought by anchoring th nets the fish might be taken. If they were n at the top of the water they must be at the bo tom.

5696. Do you not think that if there was th appearance of a good many fish, very likely th same operation might be repeated; not by yo but by other people?—Yes.

5697. And they would run the risk of a steame not coming down?—Yes, I dare say they would

5698. I presume that there are a great man persons found who run the risk of a net bein seized as an illegal engine, for the sake of a goo take?—There are some persons who would do for the chance of a good take and the love o contradiction.

5699. They take a pleasure in disobeying th law?—Yes; and there is not that risk of losing the nets.

5700. But we are a law loving people in Northumberland, are we not?—Yes; but some people will go contrary to the law sometimes.

5701. Is there a strong public opinion against the law, as it at present exists, for regulating the nets?—Yes; as to not being allowed to fix the nets.

5702. Has that feeling always existed?—Yes it has always existed.

5703. I think I understood you to say that you neve

er used the hang net before the year 1861?—
before 1868.

704. Do you mean to say that there never
a hang net used before the year 1868 on the
t of Northumberland?—I thought you meant
elf personally.

705. No; I meant the fishermen generally?
h, yes; the hang nets have been used from
immemorial.

706. That is to say, they have been used
time immemorial for catching sea fish?—

707. Of all kinds and sizes, according to the
you wished to catch?—Yes.

708. Then that hang net is a very old descrip-
of net?—Yes.

709. You have said that your nets were oc-
onally lost, have you not?—Yes; that is
sed by collisions rather than by stormy
ther.

710. And you have also said that it is several
ks before you find them again?—Yes; some-
es we are several weeks before we find them
in.

711. When you recover them, do you find
ny fish in them?—Not generally; we may get
or two. One man this year lost his nets, and
told me that there were three live fish in his
s when he picked them up.

712. They were quite good, were they?—
s, quite good.

713. How do you identify your nets when
y are lost and you recover them?—Every-
y knows how he fits his own net up, and as a
e they put their initials on the corks.

714. But there is no regulation by which you
obliged to fix your name to your net, is
re?—No.

715. And you do not do so, I suppose?—

716. When the steamboat seized the nets, I
pose she did not know, or the people on board
not know, to whom the nets which they
ed belonged?—Yes, they did.

717. How did they ascertain that?—The
ts were fastened to the nets, and those men
re pulled up and fined.

718. But the boats run away and leave the
s?—Yes, some of them did.

719. Towards the morning was there not a
ular scurry to escape?—Yes; those that had
ir nets anchored would have them in as soon
possible I dare say. I know I did not. I re-
mber it perfectly well.

720. But you had not anchored your net at
ht, I suppose?—Yes, I had.

721. Was your net seized?—No.

722. How did it escape?—I do not know; I
pose they did not come to mine first or they
uld have seized it in the same way.

723. You have said that you would have no
ection to let the law stand, so as to preclude the
s from fishing earlier than the month of April?
Yes.

724. Do you adhere to that statement?—Yes;
month of April would do very well for the
fish.

725. That would give two clear months
the close season, would it not?—Yes, that
uld give two clear months for the close season.

726. Do you think cod fishing would do any
m during those two spring months?—No, I do
think it would do any harm during that time.

727. You do not think that you would be
injured as a fisherman very much by abstaining from fishing during those two months?—No, I do not think that I should be much injured by being prevented fishing for salmon.

Mr. *W. Lisle.*

3 May 1870.

5728. You say that you cannot fish with much success before April, before the weather is warm?—Yes, the weather before that time is generally too stormy. This year we were able to fish before that time, because the weather has been mild.

5729. Do you think that many fish would go up the river during those two months?—No; I think they would come down. If there were any fish in the river, none would go up.

5730. Do you not know that nearly all the unclean fish come down during that time if the water is favourable?—Yes.

5731. Do you know that as a fact?—Yes.

5732. Do you know exactly when the unclean fish come down?—No; but I think it is some time about December and January; they are about the months when they come down.

5733. Do you think that they come down as early as December and January?- Yes, they come down as early as December and January.

5734. Do you not think that they come down in April?—No, the fish are all out at sea long before that time; they are all clean and as bright as silver in February; if you catch them they are quite bright.

5735. But you never catch unclean fish at sea you say?—No; about five unclean fish have been caught by the sea fishermen in the whole of the time since they started.

5736. Then the report that they catch clean and unclean fish is incorrect?—Yes, it is incorrect.

5737. Do you adhere to the statement that you made just now, that salmon only go up to spawn in the month of August?—I would not like exactly to say that month.

5738. But do they not go up before that month?—I should say not very much before.

5739. What is your idea of the reason why a salmon goes up a river?—Because the fish begin to get ready for spawning; they are full of eggs about the month of August.

5740. You do not mean the Commitee to understand that a fish will not run readily and freely up a river long before the month of August?—Not if it has been a dry season; suppose there have been some weeks of dry weather, then there comes a sudden fresh, the fish might run up to get a drink of fresh water, and then they would come down again.

5741. Do you believe that when a fish has gone far up a river anywhere beyond the tideway, that he ever comes down again until he has spawned?—I would not like to say; but all I can say is, that they do come down; we can tell when a fish has been in the river.

5742. How do you know it?—By the colour; he is more of a dusky yellow, or muddy colour, and as soon as he has been at sea any length of time, he is a bright colour, and the scales are like opal.

5743. Do you never catch a muddy fish in the sea?—Sometimes, if they have just come direct from the river into the sea, before they have got bright again they are muddy.

5744. I presume that you catch those fish close to the mouth of the river, generally?—Sometimes, and sometimes perhaps a mile or two away from the mouth of the river.

5745. What is the greatest distance that you

Mr. *W. Lisle.*

3 May 1870.

have ever fished out at sea for salmon?—Ten miles is the greatest distance this year.

5746. Have you gone on each year increasing the distance out at sea?—Yes, as we gain experience we find that in the early spring months the fish are found out at sea, and as the season advances they draw in towards the shore.

5747. Do you adhere to the statement which you made just now, that you never catch salmon on fine nights?—Sometimes, but not with any degree of success or certainty.

5748. What is your opinion about that?—I think the weather is so still, and the water so clear that the fish see the net and swim past it; you will see them leaping over the corks; it might be fun for you, but it is vexing to us.

5749. When you say it might be fun to me, do you look upon me as a great enemy of your nets?—No, only it might give you some amusement.

5750. That remark makes me think that you draw a distinction between the people who fish up the river, and the people who fish down the river?—No.

5751. I am not right in that idea, then?—No, it would be a piece of amusement to anyone who was not interested in the sea salmon fishing, to see the way in which the fish leap over the nets.

5752. The Committee have heard a good deal about the antagonism between the upper and lower proprietors; do you not think that their interests are really identical when they are both striving to get the same thing, namely, a larger supply of fish?—Yes; I think their interests are the same with regard to that; they are both trying for one end.

5753. And, with that view, you would be willing, as I understand, to leave clear from netting altogether a certain space at the mouth of the river?—Yes.

5754. And, as a fisherman, you think that you would be benefited by giving the fish those facilities?—Yes, I think we would be benefited in the end by giving the fish those facilities; I should do, that is the space inside the piers, away with all net fishing in the estuary.

5755. You have stated that you get prime cod close to the shore in December; are those fish really prime cod?—Very fine fish.

5756. Why do they come in close to shore in the month of December?—To feed upon worms.

5757. They do not come for the purpose of spawning?—No; they come for feeding.

5758. When do cod spawn?—I should say generally about the month of March; they all spawn about the same time.

5759. Do they spawn in shallow water or deep water?—I think as a general rule, it is in deep water.

5760. Have we really cod on our coasts, that the fishmongers call prime cod?—Yes.

5761. Very good fish?—Very good fish.

5762. You have stated that, in your opinion, the fish generally swim near the top?—At certain seasons of the year; that is to say, during the spring months.

5763. When the fish are the best?—Yes.

5764. Do you think that the swim of the fish (if I may use the phrase) varies according to the weather, or the particular condition of the sea?—Yes; I believe that during stormy weather, the fish are more alive, and keep more to the surface of the water, and that is the reason why we have better success in fishing.

5765. That confirms your own account of the success of fishing in stormy weather, does it n —Just so.

5766. Now, when the price of the license raised from 2 *l.* to 5 *l.*, did you object much t yourself?—Yes; I could as well afford 5 *l.* any fisherman, but I thought it too much, a still think so.

5767. But it prevented a good many o people from taking out a license, did it not Yes.

5768. That was rather in favour of you as an established fisherman, was it not?— ought to have been.

5769. Why do you say that it ought to h been?—The reason is, that the fish were so from land, that we could not go out to ca them.

5770. What is your own idea about the f being far from the land; do you think that fish were driven from their usual haunts by excessive fishing that took place in those two ye or not?—No; I think it is so every year; wh the fish first come out of the river to sea, th are so weak that they go into deep water, wh it is warmer, and where they are more protect from storms; when they are more renovat and they get more life into them, they dr more towards the land again.

5771. Is it your idea that salmon are we when they come out from the river?—Just so.

5772. You speak of the unclean fish, I su pose?—Yes; I speak of the unclean fish fr coming down from the river in the spring montl they are weak after spawning.

5773. But you have said, tha: you never cat those fish?—No; but those fish remain in de water until they get brightened up, and th they come towards the land again.

5774. You think that the fish you find far o at sea are the fish restoring themselves after th have come out of the river?—Yes.

5775. But if you had followed the salmo further out to sea it would have been reasonab to suppose that you would catch now more u clean fish than you ever did before?—You woul naturally think so, but it is not so.

5776. How do you reconcile those two things —Because the fish when they go out that di tance swim more towards the bottom instead the top.

5777. You think that the weak fish swim ne the bottom, and that the fresh fish, who a renovated, swim more towards the top durin those months; that is to say, during the sprin months, when they first come out of the river?- Yes.

5778. Mr. *Knatchbull-Hugessen.*] You hav stated that there was a strong feeling among th Cullercoats fishermen against not being allowe to fix their nets?—Yes.

5779. I suppose, although you pay great obedi ence and respect to the law, in Northumberland still if you find a particular law very injurious affects your interest, you do not think it unnatura that you should rather rebel against it?—Just s

5780. You find that this is very injurious t your interest?—We do not rebel against the law but we wish to have it altered.

5781. I do not mean rebel in the old Borde sense; but you protest against it?—Yes, o course; we do not take up our fist and knock man down.

5782. But if you think that you can fix you nets contrary to law, and that a steamer will no com

e and overset them, you do not mind doing
-Just so.
783. Are you prohibited from fishing at any
icular distance from the mouth of the river?
o; not by law, but the leave given by the
e of Northumberland fixes a point about
a mile from the north pier.
784. May you fish up as close as you please?
es, with the exception above named.
785. But still you would be content with a
tation?—Yes, provided we were allowed to
our net, we would be content to extend it in
particular half a mile on each side of the
r.
786. Would that be in order to secure a rest-
place for the fish?—To allow a clear space
them to go up the river.
787. I suppose you have no doubt that any
that would render easy the passage of the
up the river, and thereby produce a larger
ease of the fish would eventually be good for
, as it would be good for the upper proprie-
?—Yes.
788. And therefore if it could be shown that
tain restrictions imposed upon you and other
ple, would have the effect of increasing the
ed of salmon, you would readily submit to
se restrictions, I suppose?—Yes.
789. How many boats did you ever know
at a time fishing?—I should say that in the
r 1868, there would be some hundreds of
ts out; now this year I should say there
uld not be more than about 50.
790. When there were some hundreds of boats
, did those boats belong to persons whose whole
e of gaining a livelihood depended on the
cess of their fishing?—No, not generally;
y were nearly all speculators.
791. What became of the speculators when
fishing failed?—Of course the nets went
wn; the nets have to be renewed every year.
792. Were the speculators persons who were
pendent upon some other trade?—Yes, they
re mostly publicans and shopkeepers.
793. When the failure of their speculations
ve the publicans back to their own trade,
re was no great amount of persons actually
ught to hardship, or thrown out of work?—
.
794. What was the number of legitimate
hermen, that is to say, persons who were really
pendent on fishing for a subsistence?—I could
t say; I should say 200 or 300 men, perhaps.
795. Do you know how many boats those 200
300 men would employ?—There are generally
o men and a lad in each boat.
796. Did you include lads when you said 200
300 men?—Let the lads be extra.
797. Three hundred men would be employed
about 150 boats?—Yes.
798. There would be 300 men employed in
regular trade, and depending upon it?—Yes,
t I think that is rather above the average.
799. That is to say, there were not as many
150 boats employed in the regular trade?—I
nk not.
800. With regard to those nets of yours, do
u consider them the best kind of net that you
use for catching fish?—No; it is simply the
t that we have been accustomed to in the
ality.
801. You say that the fish have every chance
escaping?—Yes, they have every chance of
ng so.
).52.

5802. But suppose that you had got nets half a mile in length, do the fish go over your net to escape?—Yes, and they go underneath; they have got such a strong instinct, that they will run from one end to the other, rather than allow their heads to get into the mesh, or if they choose they will leap over.

5803. So that they escape by running from one end to the other, and for that reason you fasten several lengths together, do you not?—No.

5804. What is the reason you fasten several lengths together?—The reason is this, that you may have more room; you would have a better chance with a mile in length, if the fish happen to be running down on that space; if you had 10 yards only, he would miss that piece altogether.

5805. It would be more satisfactory still, would it not, if you could have more than three miles of nets?—But you could not do it; you know the amount of traffic that there is on the Tyne; the very first night you would lose half of them.

5806. That is the reason why you would not have a greater length, then?—No; the fishermen fish with as long a net as they think prudent; if they had too long a length they would lose them.

5807. How often do you draw those nets?—Two or three times a night; or if vessels come into collision with them half a dozen times a night perhaps.

5808. How often in the week do you work your boats?—We go out every night, starting on Monday night and fishing on until Saturday morning.

5809. How is it the Scotch nets are longer by 300 yards than yours; it cannot be that the Scotchmen are better able to manage longer nets than you are, I suppose?—No; but I suppose they are willing to run more risk than we are.

5810. Did you never take a single dead fish out of your net?—No; I never saw a dead fish in one of our nets.

5811. You are quite sure of that?—Yes.

5812. If anyone has told us that they have seen a dead fish in one of your nets they have been romancing, have they?—It is not the case. Great care has to be exercised in killing the fish when you know he is netted, or else the fish will go through the net and leave you.

5813. Mr. *Pease.*] You think that no action of those large nets in the mouth of the river has anything to do with the quantity of fish up the river?—Nothing whatever; notwithstanding all the sea fishing, quite enough fish to stock the river can get up.

5814. And do you think even, if there were no vessels coming in and out of the Tyne and you could make those nets still longer, that they would still have no effect on the quantity of fish getting up the river?—None whatever. If you fished with a longer net you might take more fish.

5815. After the great quantity of fish that you had in 1868, in 1869, and 1870, the fish have not been seen in the higher waters of the Tyne to the same extent, have they?—I do not know that.

5816. Have you heard any complaints of the state of the rod fishing up the Tyne during the last three years?—No.

5817. Do you not know as a fact that the rod and line fishing has been good for nothing?—No.

5818. And that before 1868 it was in very good order, was it not?—No.

5819. If the salmon do not go up the river to

Mr. *W. Lisle.*

3 May 1870.

spawn, how are the fish to be propagated?—They must go up the river if you want to propagate the fish, but I think that the salmon has that instinct that he knows how to take care of himself out at sea; it is only in rivers that they are taken in such quantities by those draft nets wholesale.

5820. Suppose there was no fishing going on in the river, do you not think that salmon would very much increase?—I think so.

5821. Why do you think so?—Because there would be none caught, and they would be always breeding and getting more.

5822. Then, the fish going up the river to spawn have something to do with it?—Of course, when there is a quantity of fish going up the river, it would tend to make the breed more next year; but there is a possibility of too many fish going up to spawn.

5823. Has that occurred yet?—No, but there is a probability of it.

5824. Do you know that salmon in your neighbourhood could once be purchased at 2 *d.* a pound, 1½ *d.* a pound, and even 1 *d.* a pound, almost within the memory of man?—Yes, but what is the value of fish now to what the value of salmon was then? All fish have risen in price since then. There is a much wider market now owing to the railways.

5825. But you are aware that that was the fact, are you not?—I have heard of it.

5826. Then is it not the fact that a greater quantity of any article in the market will always diminish the price?—No, not always; the demand may be more than equal.

5827. Does not the price of an article always depend on the demand and the supply?—Yes; if there is a greater demand for fish than the supply, the price must be more.

5828. Do you not think that the supply on the Tyne has very seriously diminished since the beginning of the century?—As far as I can remember, it has greatly improved.

5829. And is it this year better than ever it was?—There seems to be every appearance of it.

5830. Do you think that nothing can be done in any way to promote it?—Yes; by removing the obstructions, and opening out as many spawning beds as possible.

5831. And you think that no net fishing in the mouth of the river would have any effect?—Yes; I would not allow it at the mouth of the river.

5832. But out at sea, and outside the pier, you think it has no effect?—No; I think it has no effect.

5833. But the draft nets have, in your opinion, a great effect?—I think they would have a great effect.

5834. Do you think that rod fishing up the river destroys the fish at all?—Yes; during the close season.

5835. Rod and line fishing destroys the fish, the draft nets destroy the fish, but you think the sea fishing has nothing to do with it?—Yes, of course, the more fish that are caught, the more it must tend to decrease the quantity; but I think when the fish run up the river for spawning, there should be no net fishing.

5836. Will you explain to the Committee why you think too many fish could possibly go up the river to spawn?—Expensive as the spawning grounds are, still there is a limit, and it is possible for more fish to be on them than they will commodate, again; there are certain works up river called alkali works, and the refuse con from those works is very injurious to the f we have it from the evidence of the men that h worked in the dredgers, who know that a quan of fish are killed every year by those al works.

5837. Does not that show that more fish wo go up to the breeding beds if they could, but t some are destroyed?—Yes, but if there is a hea run of fish going past the alkali works, a la portion of the fish would be killed.

5838. But that is no reason why more s should not go up, is it?—If the fish are not to caught, I should say let them all go up.

5839. But under what circumstances do y think that too many fish could possibly go up spawn?—Under these circumstances; that t spawning beds are not sufficiently large to cont the number that would go up.

5840. You have been up the Tyne I presum —Not much above Newcastle.

5841. Have you not been up to the spawni beds yourself?—No.

5842. You are not aware that there are a gre many tributary streams to the Tyne, which wou all make spawning beds, if they were proper developed?—I have heard so.

5843. Mr. *Lowther.*] On what do you foun your apprehension that the spawning beds are n large enough, if you have not been there you self?—From the evidence of the men who hav been up there and seen them.

5844. Is that from men upon whose evidenc you can rely?—Yes.

5845. Did I understand you to say that yo would not allow fishing with draft nets in th river?—I said at the mouth of the river; that to say, in the estuary.

5846. Is that net of yours used for anythin but salmon?—Nothing but salmon. It might b used for cod fishing, provided the law allowed i

5847. Have you any experience of the two inch mesh?—Yes.

5848. What sized salmon would get through two-inch mesh; that is to say, a salmon of hov many pounds in weight?—A two-inch mesh would stop a fish of four pounds in weight.

5849. Do you believe that a two-inch mesh would give so much as to let a fish of four pounds or five pounds go through?—I hardly think so.

5850. Not if the fish came up with a strong current, and went with a great deal of force against the net?—No; not unless it broke the mesh.

5851. You have been asked if you sometimes anchor your nets?—Yes.

5852. And you stated that you do?—Yes.

5853. In answer to one question you said that you had nothing to complain of about the fishery board in that respect; have you anything to complain of in any respect?—The only thing that we complain of, is not being allowed to anchor the nets, and the license being too high.

5854. But the anchoring of your nets does not depend on any rules of the fishery board, does it?—I do not know.

5855. And you complain of the high price of the license, you say?—Yes.

5856. That depends entirely on the board?—Yes.

5857. But I suppose that the board only puts the price of the licenses at what they think they will

l fetch ?—£. 5 is the price of a license esta-hed by law, and the board have the power to igate it if they please. The first year they y charged 2 *l.* for a license, and the next year y raised it to 5 *l.*; and if they could have done I dare say they would have raised it to 10 *l.*

5858. Why do you think that they would have sed it to 10 *l.*, if they could have done so ?—try and put a stop to the sea fishing as much possible.

5859. But I suppose the object of the board not to put an end to the fishing, because if y put an end to the fishing the board would ve nothing more to do, and they would not be le to sell the licenses ?—But the board is nearly river proprietors, and it is their interest to try do away with the sea fishermen.

5860. With what object ?—So that they might tch more fish in the river, or that they may ve a monopoly.

5861. Now, with regard to the dead fish, I nk you have stated that you never saw a dead h in any of your nets ?—Not in the hang nets, cept the net has been cut in two by vessels, d has been drifting about the sea for a long time.

5862. Mr. *Evan Richards.*] Did I understand ur answer to the honourable Member, with re-rd to the license duty, to convey the opinion at the Conservancy Board would put a prohi-tory duty upon net fishing if it was in their wer to do so ?—I think so.

5863. Has the license duty on rods been in-eased in the same proportion as the license duty net fishing has been increased ?—I know no-ing about rod fishing.

5864. Colonel *Edwardes.*] From your personal perience of the fishermen on your coast, do u think that they are generally satisfied with e mode in which the Board of Conservators are ected ?—They know very little about how they e elected, so that they have nothing to complain about it.

5865. Do you think that the fishermen would ke to have a vote in electing the board, so as to enabled by their vote to place some one at the ard who they considered would look after their terest ?—It might be useful, certainly, but the ver interests are so strong over the sea fisheries at still they would not be fairly represented.

5866. Are they represented at all now ?—I ink not.

5867. Would it not be better if they were re-esented in some way ?—Perhaps it might.

5868. Those are not all upper proprietors on e Tyne Conservancy Board; the incumbent of ur own parish is one of the conservators, is he t ?—Yes.

5869. I suppose, that if you had any cause of mplaint that you wished to lay before the oard, he would naturally do it ?—Yes; but sup-sing it came to the test of voting, there would only one for the sea fishing, where there might nine or 10 for the river fishing.

5870. But how would you propose to remedy at ?—I have no plan to offer on that point.

5871. You would not wish to have it all your n way, I presume ?—No, by no means.

5872. Would it not be quite possible for both e upper proprietors and the sea fishermen, to ll together in such a way, as greatly to benefit e catch of salmon in both places ?—It might be , but I do not know how it can be done.

5873. Would you not like to see that state of ings ?—Yes, I would.

5874. And would not that state of things benefit you as well as the upper proprietors ?—I should think it would.

5875. Colonel *Amcotts.*] I think you have stated that you are prohibited to fish for trout in the sea ?—Yes.

5876. That is to say, you are not allowed to use a net with a mesh small enough to catch them ?—Just so.

5877. You said that if a trout fisherman caught a salmon, the water-bailiffs would know it, and in fact, the practice could not be carried on without its being discovered ?—No, not to any extent.

5878. Is there no opportunity of sending the salmon away, so that the water-bailiffs might not know anything about it ?—Not of sending them away, so that the water-bailiffs could not know it: the water-bailiffs are on shore every morning when the boats land, and they see all the fish that come in.

5879. But are the water-bailiffs always present on those occasions ?—Not always, but they could be so.

5880. Do you not think that there might be a covert plan of getting the fish away without their being found out ?—No; I think that the salmon fishermen would protect their own interests, and would inform upon the trout fishermen.

5881. You think that all those who took out a license would so far look after their own interests that they would lay an information against those men ?—Yes.

5882. How are those fishing lines for codfish and other fish used ?—They are generally two or three miles long, with a long line and a hook and snood about a yard long attached to the line, and shot out in a long straight line, and anchored at each end.

5883. They are not used from a boat ?—No, we shoot them overboard from a boat.

5884. In fact, they are attached as it were to a buoy at each end ?—Just so.

5885. How often are they taken up and examined ?—They are taken up and examined every day; they are shot at night, and taken up in the morning.

5886. You have stated that the nets are sometimes swept over them ?—Yes; those floats that are attached to the lines and nets drifting with the tide come into collision with ships and boats. As soon as ever the tide carries the net towards a buoy it lifts the anchor from the bottom, and the anchor follows the nets, so that the line becomes entangled.

5887. Earl *Percy.*] Will you be kind enough to inform me how you can tell an unclean fish from a clean one ?—An unclean fish is an emaciated creature, dark and black, with no bright spot on it scarcely; it is a poor lean thing, whereas a clean fish is bright, fat, and plump.

5888. But are you not aware that the fish very often when they come down the river are quite silvery, though they may be different in shape ?—I do not know, I am sure.

5889. You think that the colour of the fish is just as good a test as the shape as to whether it is clean or unclean ?—No, both have to do with it, but the shape particularly. An unclean fish has no flesh or rather fish upon his bones.

5890. But an unclean fish, in your opinion, is never as bright as a fish in good feeding ?—No, never.

5891. Do you suppose that any of those unclean fish are sold ?—They do not kill them to sell.

Mr. *W. Lisle.*
3 May 1870.

5892. You catch them occasionally, I suppose?—No, never. There may have been only four or five caught during the last three seasons.

5893. Do you know whether the publicans go out fishing themselves, or whether they allow others to do so?—They allow others to do so.

5894. Do they let their nets and their boats to other people?—Yes, they let their boats and nets to other people to fish at a certain price.

5895. Are the boats hired at a fixed sum, or for a certain share of the fish?—They take a share. Generally they fish for one half of the take.

5896. I think you said that you would willingly give up two months of your fishing time, and half a mile of the estuary?—Yes, provided we were allowed to anchor our nets during the time we are actually fishing.

5897. Provided that, by way of compensation, you were allowed to have fixed nets you would do that?—Yes.

5898. Then, with regard to the Board of Conservators, I think you stated that you had no particular cause to complain of anything that they have done, except the raising of the licenses?—Just so.

5899. Do you think that any power should be given to conservators to make bye-laws?—No, I think not.

5900. You think that it should be all fixed by Act of Parliament?—Yes.

5901. But if anything was done in the Act of Parliament, which, I suppose, is probable, that somebody would not like, do you not think that you would be more likely to get redress by being able to go to a body of persons to whom you have ready access, than from Parliament?—I am inclined to think not.

5902. You think that if you applied to a body of persons on the spot, you would be less likely to be heard than you would be by Parliament?—I think so.

5903. Do you consider that the Conservancy Board are antagonistic to your interests?—As far as fixing the license duty is concerned, I think I do; but I may say, upon the whole, that they are not generally antagonistic to our interests.

5904. Then why would you not give them powers to make other regulations?—For this very reason, because they are all nearly large river proprietors, and their interests and ours do not agree.

5905. You do not think that, with a different mode of electing those conservators, you could get your interests more fairly represented?—No, I do not think so; still, it is possible, as I before said.

5906. *Chairman.*] You say that the salmon are principally killed near the surface of the water?—At certain seasons of the year that is so; that is to say, in the spring months.

5907. But, generally speaking, within what depth from the surface of the water are the fish caught by you?—About three or four feet down.

5908. Then why do you desire to have your nets anchored?—During the summers months, in June, July, and August, the fish come in shore, and swim more towards the bottom; and for the other reasons I have already mentioned.

5909. They come nearer to the shore, and nearer to the bottom?—Yes; they come nearer to the shore, and nearer to the bottom.

5910. And therefore you wish to have the nets anchored at that time?—Yes.

5911. Do you know what a mended kelt is?—Yes; a mended kelt is a bright fish, but it is so full and plump as a well mended clean fi there are some bright scales on it.

5912. Is that what you would call a clear an unclean fish? You gave a description of t kinds of fish to the noble lord; would a mend kelt come under either of those descriptions?— would all depend on how much it was mend if it was well mended, then I would say that was a clean fish.

5913. But if it was merely mended, wh would you say?—I should say that it was an clean fish.

5914. I did not quite catch your answer to questions of the right honourable Member t Under Secretary of State, as to whether the are any fishermen wholly dependent on the s mon fishery at Cullercoats; are you, or any your neighbours at Cullercoats solely depende on the salmon fisheries?—During the salm months we are; but of course, if there were salmon fishing, we should have to turn our atte tion to something else.

5914.* As you did before the year 1867?— Just so.

5915. Up to the year 1867, you had nev fished for salmon at all, I believe?—No; only f trout.

5916. The same sources of livelihood are ope to you now as there were then, I suppose?— Yes.

5917. That remark applies to the Cullercoa fishermen generally, does it not?—Yes; of cours there are some old men who depend on the sa mon fishing for a livelihood, and nothing else.

5918. Who are they?—A few old men wh have been accustomed to fish for nothing bu trout and salmon.

5919. Did they take salmon to any considerabl extent before the year 1861?—No, nothing t speak of.

5920. Before that time they did not at al depend on the salmon?—No, they did not depen on the salmon.

5921. Do you not think that the interests o the upper proprietors, and the interest of th fishermen in the estuary and on the sea coast are identical?—I think they ought to be identica with regard to preserving the fish.

5922. If the upper proprietors do not preserv the fish, you can have none to kill on the sea coast or in the estuary?—No, that is true.

5923. Is it not, therefore, reasonable that some regulations should be made so as to secure them a fair share of sport, and of the benefit arising from the fishery?—I think they get more than a fair share. At any rate we pay a full share of the expenses of the Conservancy Board by our license duties.

5924. Do you know what share they do get of the fish?—No.

5925. Do you know of any upper proprietor who has got anything like the number of fish that you caught in the year 1868?—I can only speak from report. I have heard of some very heavy hauls up the river.

5926. Where was that?—Some of the river proprietors.

5927. But in what part of the river was it?— I cannot say, but it was above bridge.

5928. Do you know of any proprietor in the north Tyne, who has got any considerable quantity of fish at any time since the year 1861?—No, I do not know any of them.

5929. I

929. I suppose the principal spawning beds above the point at which the North and South ne unite?—Yes.

930. You have not heard of any proprietor ve that point who has obtained any consider- e number of fish?—No, I have not.

931. Have you ever heard of any proprietor ever caught one fish above that point?—I not say. I have heard of their taking plenty ish up there; but whether it was on the North South Tyne I cannot say.

932. But there are scarcely any fish in the th Tyne, are there?—Then I suppose they t be taken in the North Tyne, for I have rd of heavy takes.

933. Can you give the name of any pro- tor who has had such a take?—No.

934. Or the number of fish taken?—No.

935. Or the weight of the fish?—No.

936. It was merely a vague rumour?—Yes; ely a vague rumour. I think it was about fish in one haul.

5937. Might not that be within the tidal limit; below the Hedwin streams?—It might be so. Very large quantities have been taken between the piers and Newcastle. Mr. *W. Lisle.* 3 May 1870.

5938. You stated, in answer to a question put to you by one of the honourable Members, that you are satisfied with the constitution of the present board?—Yes; we have nothing to complain of.

5939 Mr. *Lowther.*] I think I understood you to say that you fish during the summer time only? From the month of March up to September.

5940. May I ask what your occupation is during the other months?—Fishing for cod and haddocks.

5941. You are a fisherman, and nothing else?—Just so.

5942. *Chairman.*] How many fishermen are there at Cullercoats?—I should say about 200.

5943. Is there anything else you wish to state to the Committee?—No.

Mr. Thomas Bolam, called in; and Examined.

5944. *Chairman.*] You are a fisherman re- ng at Cullercoats, are you not?—I am.

5945. Have you resided there all your life?— , only for the last 30 years.

5946. During the whole of that time have you owed the occupation of a fisherman?—Partly t of a fisherman for 28 years; for 13 years I e followed it entirely.

5947. When did you first commence salmon ing?—In the year 1868.

5948. You were engaged in salmon fishing ing the season of 1869, and during the present r?—Yes.

5949. Do Mr. Lisle and you fish in the same t?—No.

5950. But in the same kind of fishery?—Yes.

5951. You are employed in the same way, are ?—Yes.

5952. Have you heard the evidence Mr. Lisle given?—Yes.

5953. Do you agree with him in the statements has made to the Committee?—Generally so.

5954. Do you desire to make any observation the Committee, with respect to cod fishing?— o. It is generally thought that the best quality fish is caught in deep water, but in our locality, m the circumstance that the ground is rocky six miles from the shore, we get good fish. e get the best cod on hard ground.

5955. To the hardness of the ground you ribute the good quality of the cod caught ere?—Yes; experience teaches us that.

5956. Do you take cod in considerable quantity, n?—Not such large quantities as we take in ep water, but quite as good in quality, and tter than when we catch cod on smooth or dy ground in deep water.

5957. Do you confirm the evidence that the vious witness has given to the Committee h regard to the quantity of unclean fish that s been taken in your nets?—Yes; we do not ow of more than two unclean fish having been ken. We have a letter from a merchant about t, which I will show the Committee (*handing etter to the Chairman*).

5958. Who is Mr. Eskdale?—He is a fish- nger who buys part of the salmon from llercoats.

Mr. *T. Bolam.*

5959. Where does he reside?—At North Shields.

5960. Do you know from him whether there is any difference between the price of salmon caught in your hang-nets and the price of salmon caught in an ordinary draft-net in the river?—I do not think there is; I believe they are both one price.

5961. Does the fish that you take in your nets bring as high a price in the market as the fish caught by the draft-nets in the river?—The merchants tell us that it is so.

5962. You have ascertained that your fish bring as high a price as the others?—Yes.

5963. You have made inquiry of the merchants and the fishmongers for the purpose of ascertaining that?—Yes.

5964. Have you ascertained the price from Mr. Eskdale, and also from the Messrs. Willets, fish salesmen at Cullercoats?—Yes; he (Mr. Willett) says that they fetch the same price as those caught in the river; of course they vary in price according to the demand.

5965. But your fish brings the same price as that caught in the river with the draft-net?—Yes.

5966. You know that the Messrs. Willets consign the fish which they buy of you to London, Liverpool, Manchester, and other places?—Yes.

5967. Do you agree with the previous witness with regard to the description of nets you have now in use?—Yes, of course, they have been exhibited; that is what we use.

5968. With regard to the length of net that you generally use, do you also agree with him?—The average length, I believe, is 400 yards, but I am now fishing with a net 300 yards long.

5969. What is the greatest length of net that you have ever fished with?—I have never fished with a longer net than 350 yards; that was last year.

5970. Were your nets seized by the people in the steamboat?—No.

5971. Do you agree with the previous witness that the quantity of salmon in 1869 was much less than in 1868?—Yes.

5972. What reason do you assign for that decrease?—I think there was droughty weather, and consequently little water in the river, which

Mr. *T. Bolam.*

3 May 1870.

prevented the fish going up to spawn. That may be one reason.

5973. Was there any other reason?—No; it is not owing to catching too many fish; if we ascertain what is caught out at sea that will prove whether the salmon can produce a sufficient quantity.

5974. Can you inform the Committee what quantity of salmon were caught in 1868?—No.

5975. Then who can tell us that?—It is easily ascertained. The fish are sold to the merchants, and they could inform you; not now perhaps, but it might be ascertained for the future what quantity was sold at the market, the price demanded; and if that showed that there was not a very great quantity caught, it would not be sufficient to decrease the supply.

5976. Do you seriously tell the Committee that the quantity of fish which you caught in the year 1869 was less than what you caught in 1868, because of the droughty season of 1868?—I say that is one reason; I think the quantity of fish taken in 1868, could not be the means of decreasing the quantity of salmon.

5977. But the fish produced from those that go up to spawn in 1868 are not the fish that you would catch in 1869, are they?—I do not know that they are.

5978. But you know they are not, do you not?—I believe they are not.

5979. Take the fish that spawned in the winter of 1868, would the fish so produced, be the size of the fish which you generally take, namely six pounds?—I do not know.

5980. It could not be so in less than three years, could it?—I do not know.

5981. Do you think that the quantity of fish that went up to spawn, would be quite enough to provide fish for everybody?—I think so. There is so much spawn from each fish, and considering that, we have some idea of what was caught in the year 1868; I think there must be some other cause than the extent of netting in the year 1869, which occasioned the diminution of fish in 1869.

5982. You have given the Committee one cause of the diminution; that is to say the droughty season?—Yes; that may be one reason; the two or three seasons before that were the same.

5983. Is there any other cause do you think?—There is the fearful destruction of the fish by the alkali works, and such like, in the Tyne.

5984. Did you ever see fish destroyed by the alkali works in the Tyne?—Never, but I will hand in a letter on that subject.

5985. Is Mr. Wookey the writer of this letter, the superintendent of the county police?—Yes.

5986. You think, as I gather from your evidence, that the destruction by the alkali works diminished the quantity of fish in the year 1869?—Yes, I think so.

5987. Did not those alkali works exist in the year 1868?—Yes.

5988. And yet you had a large quantity of fish in that year?—Yes; but there had been droughty weather, and the refuse of the alkali works coming into the river might affect them more.

5989. But the quantity of salt-water running up to the alkali works would be as great in one year as the other, would it not?—Yes, the tide was the same, but if there had been more fresh water in the river, the water would not have been so poisonous.

5990. Does not the tide flow to the extent of 10 or 12 feet at that point?—Yes; I believe so.

5991. Is there any other point which you would like to bring forward?—Yes; in connection with the point about the unclean fish, we have it from Mr. Brown, a fishmonger at Newcastle who sells two-thirds of all the fish caught in the river and the sea, and he says that during the time that we have been salmon fishing he has not had more than three or four unclean fish offered to him all that time.

5992. He confirms what you and Mr. Lisle have stated, that unclean fish are not caught in your nets in the sea?—Just so.

5993. Do you think there are none while you are fishing?—Yes.

5994. Why is it then that they are not caught?—I think the fish have not strength to take the net; or whatever may be the cause, they are really not taken.

5995. Is there any other point respecting which you wish to speak?—In connection with the question of being fairly represented by the Board of Conservators, I do not think that we are fairly represented. I think that the conservators have made a dead set against us, except Mr. Wheeler who would do anything for the benefit of the fishermen. With that one exception we have nobody else to represent us.

5996. Did you ever hear of his being unable to get any arrangement made that he thought reasonable and desirable?—I would not like to say that.

5997. Have you ever heard that?—I have heard from Mr. Wheeler that there was a strong prejudice against sea-fishing.

5998. Was that prejudice against the extent to which you fished with so many hundred boats and so many miles of nets?—It was against sea-fishing altogether.

5999. Was the prejudice not rather with regard to the extent to which the fishing was carried on in the year 1868?—Of course everybody could take out a license that liked.

6000. But my question is, was the prejudice against the fishing to so great an extent in the year 1868?—I imagine that they did not get as many fish in the river as we got in the sea.

6001. Then I suppose the prejudice was against the extent to which you fished in the year 1868?—Yes, they would expect that it would militate against their interests.

6002. I dare say you thought too many speculators came in for your own interests?—I think everybody ought to have the same liberty.

6003. Without any regulation or restriction?—I should not like to say anything to the contrary, everybody ought to have the same privilege in all public rights.

6004. But should not the use of the privileges be regulated, so that you may all enjoy them with equal advantage?—I think that there might be some regulation to make them more beneficial to all.

6005. Does not that rule hold good when applied to a salmon fishery?—Yes.

6006. Then you would approve of proper regulations?—Yes.

6007. Made by whom?—By an Act of Parliament.

6008. You would have it all put into an Act of Parliament?—Yes, not by local men.

6009. The size of the mesh?—Yes.

6010. And the places where the nets are to be used?—Yes.

6011. You would give the fish a little free place near the entrance to the river, would you not?

.?—Yes; there have been so many objections de with regard to the river, that I would give m a certain space.

6012. Then how do you think that we gentlen sitting in this House, are to define that for the ne, so as to put it into an Act of Parliament? I am not prepared to speak for everyone.

6013. How much free space do you think there ould be?—I would say a quarter of a mile.

6014. Mr. Lisle, as you are aware, suggested lf a mile?—I think that a quarter of a mile ould allow a sufficient space for the fish to pass.

6015. You know the River Coquet, do you t?—Not much.

6016. But you know, I presume, that the Wear d all those rivers would require regulations?—ery likely they would.

6017. Do you not think that the gentlemen of e locality would know what was best for the cality, and that they might make the arrangeents in the first place?—They would know hat was best for the locality no doubt, but we ow what local interest is.

6018. Might we not leave it to some gentlemen London to control them?—I do not know that e could do so.

6019. Mr. *Knatchbull-Hugessen.*] Do you think at the river fishermen get more than their fair hare of the fish now?—No, I do not think they ave; I think they have very few.

6020. You do not think that they get their hare of the fish?—I scarcely think it pays them.

6021. Do not the salmon breed up the river?—Yes.

6022 Would it not be good for your purpose, s well as that of the river fishermen, that the pawning beds should be opened to them, so that ou should get as many salmon up to spawn as ou can?—Yes.

6023. And the more fish you got up to spawn he more you would have to catch at the mouth f the river?—Yes, if they were saved on the pawning beds, we should have a better supply f fish when they come down to the sea.

6024. Does the unclean fish fetch as good a rice as the fish in good condition?—Nobody lares to buy them; they would be fined if they lid so.

6025. If you caught them in a net, you would ot take them to a merchant?—No.

6026. Then, though he had not seen more than wo unclean fish, he could not give very strong evilence that no more had been caught?—I believe hat until experience told them, people would ot know that they were unclean fish.

6027. Speculators would not know perhaps, ut a canny fisherman like you, would know a lean from an unclean fish?—Yes.

6028. They would be too wide awake to send n unclean fish to the market, if they caught them?—They would know that it would be of no use.

6029. Would you be better satisfied if you had board of conservators, which was elected partly by yourselves and partly by the river proprietors?—If we had disinterested men to represent us; but there is nobody interested in the sea fishing perhaps. If we could get as many for the sea as for the river, it would not be against us; but there would be a difficulty in getting that class of men.

6030. But supposing you had a fair share in forming the body of men that should elect the board, would you be able to appoint men in your own town interested in your fisheries?—Yes; perhaps we should have a better chance of being fairly represented.

6031. Then if you were fairly represented, would you not rather have such a board as that to make bye-laws than have them in an Act of Parliament?—I always think that there is more imperfection in bye-laws than there is in general laws.

6032. You do not think that there is much in local government?—I am speaking of what I know myself.

6033. Are you any other trade but a fisherman?—I was formerly a pitman.

6034. Do you now follow any other trade but that of a fisherman?—No; I do not follow any other trade now.

6035. But you have followed the trade of a fisherman for many years, I understood you to say?—I have been engaged in fishing for 28 years, but my labours have been confined to nothing but fishing for 13 years.

6036. You find that you can manage to get along; but you think the salmon laws rather interfere with you?—Yes; we think that they are more stringent than they ought to be. If we were allowed to fix the nets, it would be a great advantage; we would not be exposed to collisions with ships, and it would be a safer property. We could also carry on other modes of fishing; but, being compelled to float with the net, we cannot do that.

6037. Mr. *Lowther.*] During the time that you have been employed in fishing, has the number of boats very much increased?—Greatly.

6038. When you first came to Cullercoats, how many fishermen do you suppose there were?—I do not suppose that there were more than 25 boats then, and each boat has three men and a boy; and now there is about 44 boats, that is, regular fishermen in the winter season. In salmon fishing there are not so many men in each boat, but there are more boats now than at any other time of the year. We have two men and a boy, so that there are more now than at any other part of the year; still, in the winter season, there are about 44 boats at work.

6039. Do you suppose that this number of boats has increased gradually, or all within the last 10 years?—Gradually; as the saying is "they breed all their ain." The work is permanent, you never need move, and so the sons all go to the same trade as their fathers, and that is the reason it increases so rapidly.

6040. Did you ever hear of a very large haul of fish up the river?—I have heard them say that they caught large quantities sometimes in the river, but I could not say from experience.

6041. You cannot say for certain that you have ever heard of any large number of fish being caught up the river?—I have heard of their getting a keel load at once, but I cannot say that it is true. Of course they have nets that they can put right across the river, so that if a shoal of fish are going up, they can catch them; they cannot escape.

6042. Mr. *Richards.*] You began to fish in March, I think you said?—No, I did not commence until April.

6043. You employ two men in a fishing boat, you say?—Two men and a boy.

6044. What would be the average earning of the boat, with two men and a boy?—In 1869, I do not think that it paid for the license and the cost of the net.

6045. How much is that?—£.20; it costs 5 *l.*

Mr. *T. Bolam.*
3 May 1870.

for a license, and 15 *l.* for a net; but there are many boats which would not get as much as it costs them: I think 10 *s.* a week is far beyond the average earning.

6046. How much do you get?—I do not know how much I get, but not 10 *s.* a week; after we have got ashore with the salmon nets we do other things as well, or else I would not get a living; I do not think that I got more myself than what paid for expenses.

6047. Mr. *Assheton.*] How long have those hang nets been in use in your part of the country?—That has been the practice from time immemorial for trout fishing; our old men used to catch trout when they could not do anything else.

6048. But what I wish to ascertain is, how long have those hang nets been in use for salmon fishing in the sea?—Only, so far as I know, since the year 1867.

6049. Earl *Percy.*] You said that there were 44 boats now, and that there used to be only 25, but you also said that there were more boats employed at the salmon fishing time?—Yes.

6050. Do you mean that there are not more men engaged?—There are more boats employed, but not more men.

6051. Are there more men engaged now in fishing than there were when there were only 25 boats?—Yes, of course.

6052. With regard to the Board of Conservators, do you think that the interests of the upper proprietors are irreconcilable with those of the sea fishermen?—I do.

6053. Yet you do not think that any remodelling of the constitution of the board would do any good?—If you could get as many men represent the sea fisheries as the upper proprietors of the river it might do so: but I do not think that could be done.

6054. You do not think that you are not fairly treated by the Board of Conservators?—Yes, we are satisfied now; but if they had the power of making bye-laws that would affect us very much.

6055. But has any power which they have got now been used unfairly?—Not that I know of.

6056. Then why should you suppose that they would use any new power unfairly?—They have not the power, but if they had the power of making bye-laws they could deal with us as they liked.

6057. Mr. *Pease.*] What becomes of the fish that you catch?—We sell them; Mr. Brown of Newcastle, gets all mine.

6058. What is the average price that you receive for it?—The average price that we get for salmon is 1 *s.* per pound during the season.

6059. With regard to the fish caught in those hang nets, does it pull down or raise the average price of the salmon?—I am not prepared to say that.

6060. Supposing there were no hang nets used in fishing, would the price of salmon be higher or lower?—There would be no difference if there was just the same quantity caught in any other way because the hang-net fish brings the same price as the other fish.

6061. *Chairman.*] Is there any other point you wish to mention to the Committee?—No, I think not.

Mr. Jeremiah Wilson, called in; and Examined.

Mr. *J. Wilson.*

6062. *Chairman.*] You live in Farrer-street, in Stockton, do you not?—I do.

6063. I believe that you are a Boilermaker by trade?—I am.

6064. And you are in the employment of the North Eastern Railway Company?—Yes.

6065. I believe for some years past you have been lessee of fisheries in the River Tees?—Yes.

6066. Within the tidal waters?—Yes.

6067. Have you given very considerable attention to the salmon fishery of the river for some years past?—I have given a great deal.

6068. I believe that on your own premises at Stockton you have, for the last two or three years, bred young salmon?—Yes, I have on my premises hatched several thousands, and turned them into the river.

6069. That you have done in a small yard behind your house?—Yes.

6070. And you have carried that on by getting ova from the river, and breeding young fish, and keeping them until they are of a certain size?—Yes, just so.

6071. Do you know what the state of the salmon fishery of the River Tees was in the year 1861, when the first Salmon Fishery Act was passed?—It was at a very low ebb at that time.

6072. About the year 1864, was there some perceptible increase?—There was a perceptible increase in the year 1864.

6073. The fishing carried on in the tidal water of the Tees is by means of the draught-net, is it not?—It is so.

6074. They are used from a boat?—Which are used from the shore.

6075. You row from the shore, take a certain sweep around, draw the net ashore and take the fish out?—Yes.

6076. There are two men engaged in each boat, are there not?—Yes, there are two men employed in each boat.

6077. In the year 1864, was the average number of fish taken by each boat about 15 or 20?—Yes, about 15 or 20.

6078. What was about the weight of the fish at that time?—Something like 10 lbs. each.

6079. At that time, as we know, you paid no license duty?—No, not in the year 1864.

6080. I think you have fished generally above the Stockton stone bridge?—Yes, generally so; I have fished below, but not much.

6081. And above that the proprietors claim to have what is called a several fishery?—Yes, they do.

6082. And some of those you have rented from time to time?—I have them leased at present.

6083. But those are within the tidal limits?—Yes, within the tidal limits.

6084. In the years 1865 and 1866 did the increase in the take of fish continue?—It did continue in those years.

6085. About how many fish were taken by each boat on an average at that time?—I should say from 30 to 40.

6086. In the year 1867, was that increase still larger?—Yes, a great deal larger; it increased very much.

6087. In one boat did you catch in that year 164 fish?—Yes, with my own boat, but it was not quite

te the average, we got rather more than the
eral run of the boats.
088. Whose fishery had you then?—Bowes-
d.
089. That belongs to the Ecclesiastical Com-
ssioners, does it not?—Yes.
090. I believe that the weight of the 164 fish
t you took in the year 1864, was 1,532 lbs.
s it not?—Yes, it was 1,532 lbs.; I had them
ery one set down.
091. After that, in the year 1868, did you
d the quantity of fish diminish?—Greatly so.
092. With two boats did you get only 51
n?—That was all that we caught.
093. Weighing 556 lbs.?—Yes.
094. In the year 1869, during the months of
bruary, March, April, May, and up to the 21st
June, did you take only five fish?—Only five
h, fishing both night and day.
095. After that time there were more fish in
e river, I believe, and you were more success-
l?—Yes, we were a little more successful.
096. Did you then commence fishing with
o other boats?—Yes.
097. And with the three boats before the end
the season did you catch 49 fish weighing
98 lbs.?—Yes.
098. So that with the three boats in the year
869 you got 498 lbs. of salmon, whereas with
ne boat in the year 1867, you got 1,532 lbs.?—
es.
099. Can you inform the Committee to what
auses you attribute that falling-off in the quantity
f salmon in the River Tees?—I attribute it to
wo or three different causes.
100. Was the droughty weather one cause?—
Ve never had them come to the mouth of the
iver; there was not that quantity coming to the
outh of the river.
101. And was it partly in consequence of there
ot being so many fish in the river?—That makes
ery little difference to us, because when there
s plenty of fish they come jumping about; it is
ke a playground for them.
102. That is near the entrance to the River
ees?—Yes, in the estuary.
103. That is one cause which has diminished
he number of fish?—Yes.
104. What is the second cause?—We blame
he hang nets a good deal.
105. I suppose you heard the evidence of the
wo previous witnesses?—Yes.
106. Has your attention and the attention of
he fishermen in the Tees generally, during the
ast year or two, been directed to the great extent
f fishing off the coast of Northumberland?—Yes,
e consider that the hang nets, hundreds of them
pread out there each night, anchored at the
ottom of the sea, drowning both clean and un-
lean fish, are worse than the stake nets; we con-
ider them a complete barrier to the Tyne and
he Tees.
107. Has the manner in which those nets have
een fished near the entrance to the Tyne been
ery detrimental both to that river and the Tees?
—Yes.
108. Is that the impression among the fisher-
nen in the Tees, as well as the Tyne?—That is
he impression.
109. How many years have you been in the
abit of fishing?—For seven or eight years lately,
ut formerly, when I was young, I used to fish a
ood deal, principally when I was at Yarm.
110. That is a few miles above Stockton, still within the tidal waters?—Yes, that is a few miles above Stockton in the tidal water.

Mr. *J. Wilson.* 3 May 1870.

6111. Before the passing of the Act of 1861 I think there were stake nets upon the shore near the entrance to the River Tees?—Yes.

6112. Those stake nets were abolished, were they not, after that Act was passed?—Yes, a little while after that the stake nets were abolished.

6113. In your opinion is the manner in which the draft nets are used worse than the stake nets with regard to the effect upon the fishery?—We consider them far worse.

6114. I believe that is the general impression among men of your class?—Yes.

6115. Has the dam at Dinsdale had any effect on the salmon fishery of the Tees?—It has had a great effect on it.

6116. I believe that two or three years ago something intended for a fish pass was constructed there?—Yes, that was in the year 1867.

6117. I believe that you have gone to Dinsdale several times to examine that dam and the fish pass?—Yes, I have.

6118. And you have met Mr. Walpole and Mr. Buckland there, have you not?—Yes.

6119. On more than one occasion?—Only once, but I met Mr. Paterson and Major Scott, and showed them a model.

6120. Since that pass was put up, has the obstruction occasioned by the Dinsdale dam been greater in your opinion than it was before?—It has.

6121. In fact the fish do not get so well up as they did previously, do they?—When the river becomes a little low, the whole of the water in the Tees has to run down a hole seven feet wide and four feet deep. It has a 27 feet run, and when it arrives at the bottom no fish can come near the mouth of the pass.

6122. The flow of the water through that pass is so rapid that the fish cannot get through, is it not?—They cannot come within yards of the mouth of it.

6123. The effect of that has been to take away the fish from the dam, has it not?—They jump at the dam, and when they are tired they fall back down the river, to deposit their ova, and when a fresh of water comes down in the spring, the volume of water is so strong that the young salmon are carried right away. I have seen hundreds of small fish, not more than an inch long, down at our place.

6124. Did you make the plan, which you now produce, yourself?—No, I sketched it out.

6125. This is a sketch you have had made of the river, near Dinsdale, is it not?—Yes.

6126. You prepared a model of a pass yourself, and took it over to Mr. Buckland and Mr. Walpole to look at, I believe?—Yes.

6127. Is the effect of that dam, and the pass together, that a great number of salmon are thrown back, and spawn in the water below the dam?—They are forced to do so; they jump about until they are quite exhausted, and then they fall back on the spawning beds below the dam.

6128. I believe you have seen fish six or seven weeks old, in enormous quantities, near Stockton?—Yes, I have seen thousands and thousands every year swept away every spring through the effect of that dam.

6129. You can speak to the age of those young fish from having reared them yourself in your own yard?—Yes, I have fed them day by day, and

Mr. *J. Wilson.*

3 May 1870

seen them three or four times a day, and taken photographs, and made microscopic observations.

6130. Your small rearing experiment is one of the exhibitions of Stockton, is it not?—Yes.

6131. You have done that during three years, have you not?—Yes; I have fed them until they were old enough, and then I have carried them up to the tideway.

6132. As soon as they were old enough, you photographed them and then took the train and put them into the river?—Yes; I put them into the river as soon as they are old enough.

6133. In your opinion, might the difficulty occasioned by the Dinsdale dam be overcome by making an artificial stream passing around it, and not meddling with the dam?—In two ways, the whole thing could be remedied in a great measure; we could get it round the mill.

6134. Without touching the mill, or interfering with the milling power?—Just so.

6135. You have made a sketch or little design of what you propose in that respect?—Yes.

6136. But in order to accomplish that, it would be necessary to have some power over the land adjoining belonging to the proprietor of the mill, would it not?—He would not let us cut a hole there without some power.

6137. Is another cause to which you attribute the decrease of salmon in the Tees, the increase of bull trout?—They have increased lately, and within the last few years they have increased more than ever.

6138. They have increased to a very considerable extent, have they not?—Yes.

6139. Do you think that that has an injurious effect on the salmon fishery of the river?—Yes; they come there at the back end of the year, rout out the ova of the other fish and eat it; they are terrible fish for eating salmon spawn, and they do a great deal of harm.

6140. With a view to diminishing that evil, do you think a smaller sized mesh should be allowed between the end of June and the end of the fishing season?—Yes.

6141. For the purpose of catching those bull trout?—Yes; for the purpose of catching those bull trout.

6142. You suggest that, for that purpose a mesh 1½ inch from knot to knot should be used?—Yes, instead of the present 2-inch mesh, it should be 1½ or 1¾ inches.

6143. Do you think that the maximum size of the mesh of the nets should be limited?—Yes; I think it should be limited.

6144. Do you think that a mesh of 2¼ inch is as much as should be permitted?—I think that is as much as should be permitted in any case.

6145. I believe, you and other fishermen on the Tees, complain of the present weekly close time?—We do.

6146. The present weekly close time is from 12 o'clock on Saturday, to 6 o'clock on Monday morning, is it not?—Yes.

6147. During what period do you fish in that part of the river after the flow commences?—Something like half an hour in neap tides.

6148. For what period out of the 12 hours can you fish ordinarily?—For 3 hours, or 3½ hours at the best.

6149. During the remainder of the time, the tide prevents you fishing, does it not?—Yes; we cannot get in.

6150. What is the practical effect of that sometimes on a Saturday? at what time on Saturday morning are you sometimes put off fishing for the remainder of the week?—We have sometimes to give over fishing at two, three, four, five o'clock, and we never fish after six o'clock.

6151. Sometimes you are prevented from fishing at five o'clock on Saturday morning?—Yes.

6152. And you cannot fish again until what time on Monday afternoon?—Every alternate week we have to start on Monday afternoon at two or three o'clock.

6153. So that, practically, your close time is from five o'clock on Saturday morning to two or three o'clock on Monday afternoon?—Yes, that is the case; every other week it is so.

6154. If I rightly understand your evidence you think that some allowance should be made to the men who fish within the tidal limits?—Yes, I think some allowance should be made to those men.

6155. So that the close time should be for them the same as it is in the upper waters?—Yes.

6156. Have you made complaints to the Fishery Board on that subject from time to time?—Yes.

6157. And have you complained to the inspectors also?—Yes.

6158. You are of opinion, I think, that the law in that respect requires altering?—Yes, we do think that the law requires altering in that respect.

6159. When do you generally commence fishing?—We generally commence fishing in February; we have the power to commence in February, but we seldom do start until March.

6160. You generally commence fishing towards the latter end of March?—Yes, generally towards the latter end of March.

6161. Do you propose that the annual close time should begin later than the 1st of February?—Yes.

6162. Would you have it commence at the beginning of April?—On the 1st of April.

6163. Then, in exchange for February and March, do I understand you to ask for a longer period at the end of the close time?—Yes, we do.

6164. How much do you ask for?—We ask for September.

6165. You propose to give up two months at the beginning and take one month afterwards?—Yes.

6166. We were told by a witness last week that commencing to fish later would enable some of the early fish to get up to the spawning beds?—Yes, they would get up as far as Dinsdale dam.

6167. And you hope that if that dam were out of the Tees they would go up to the spawning beds?—Yes, and the upper proprietors would get a share of the fish then.

6168. And would it have a tendency to get the fish into the river earlier?—There is no doubt of it.

6169. Have you formed any opinion with regard to the length of the nets; do you think that there should be any limit in that respect?—I should think 100 yards a very fair length.

6170. Either for draught nets or hang nets, I suppose?—Yes; and I think that any additional length should so be paid for extra.

6171. You would propose a license duty for

yards, and a progressive duty beyond that?—Yes, a sliding scale.

6172. That is to say, 5 *l.* for each license, or a yard up to 100 yards?—Yes.

6173. And you would make it a shilling a yard beyond that, I suppose?—Yes; I would.

6174. And so in proportion if the original charge was more or less than 5 *l.*?—Yes.

6175. Do you think that hang nets or drift nets should be prohibited in the river altogether?—Either of them should be used in the river.

6176. And within a certain distance of the entrance to the river?—Yes, within three miles of it.

6177. Neither within the river, nor within three miles of the mouth of it would you allow these nets to be used?—Just so.

6178. You have no doubt heard, as everybody has heard, about the Dinsdale dam, and the desirability of buying it?—Yes.

6179. Is it the general opinion among your fishers, that it would be well if money could be found to buy that dam and pull it down?—Yes.

6180. Has your attention been directed also to the license duty which is at present charged for rod fishing?—Yes.

6181. Are you an angler yourself?—No, but I would be one if the amount of license duty was less; I cannot afford a sovereign for a rod license.

6182. Do you think that the rod and line license should be 5 *s.*?—I do.

6183. Do you not think that there should be power given to fishery boards to have a sliding scale of duties for different portions of the river?—That might be a good thing, but I do not know.

6184. You have not formed any opinion with regard to that?—No, I have not.

6185. From what you have seen of fishing mill dams, do you think that any fishing at all should be permitted adjoining them?—No; I have seen so much destruction near the dams that I would not let them come within 200 yards of any mill dam.

6186. Do you mean 200 yards above and below?—Yes; 200 yards above and below.

6187. Why do you think that any fishing at all should be prohibited within 200 yards of any mill dam?—I have been there when they have gone with rods and tossed in and hooked the fish directly, and I have seen 16 fish caught in less than half an hour.

6188. Where was that?—At Dinsdale; a man with rod and line just going across and clicking.

6189. I think I understood you to say that many of the fish are exhausted, in consequence of having been leaping at the dam?—Yes; they are very numerous.

6190. You have seen a great many fish leaping there?—I have, 50 and 60 fish at one time.

6191. The width of the river is about 50 yards here, is it not?—It is not much more than 50 yards. With regard to those fish that are caught with rod and line, I may say that not one of them are fairly taken; some of them are taken by their gillies, and some of them are taken by their nets.

6192. They are not taken in a legitimate manner, you think?—No, I never saw one taken right yet.

6193. That gives great facilities to poachers and others to net the pool below the dam during the night time, does it not?—Yes, quite so; the watchers cannot always be there, and the poachers pop in; they know exactly where the fish are.

6194. If the fish were able to surmount that dam it would very greatly improve the fishery on the river both for the fishermen in the tidal water and the riparian owners, would it not?—I have no doubt if that dam was down you would have one of the finest rivers in England for salmon fishing, except the Tyne.

6195. Have you been to the upper part of the Tees?—Yes.

6196. The spawning beds are excellent, are they not?—Yes.

6197. They are excellent in the Tyne as well, are they not?—Yes.

6198. And most extensive?—Yes.

6199. There would not be much need of artificial breeding in that case, would there?—No; let nature have her own course.

6200. Is it desirable, in your opinion, that there should be a power to make bye-laws conferred on anyone?—Quite so; the fishermen having power to appeal.

6201. You would give that power to boards of conservators, but you would give the fishermen the right of appeal against their decision?—Certainly, I should.

6202. Either to the Home Office or to some other central authority?—Yes.

6203. That is to say to some independent tribunal?—Yes, to some independent tribunal.

6204. Do you make any complaint of the way in which the fishery board is elected in your neighbourhood?—No.

6205. Have you heard any complaints made about that?—No; but I see that there is a suggestion thrown out that they should be selected from the fishermen and others, and they seem all to think it quite right.

6206. You have not fished much below the Stockton Stone Bridge, I suppose?—No.

6207. But you know, do you not, that below bridge, down to the sea, for about 15 miles, the fishermen of Stockton and others, claim a public right of fishing?—Yes.

6208. Those men are not represented on the fishery board, at all, are they?—No; but they are quite willing to be represented, if they had the chance.

6209. Do you think that it would be right that they should elect a certain number of representatives?—I see no reason why they should not.

6210. You think that that would be desirable, do you not?—Yes, I do think so.

6211. Of course, the persons under whom you rent the fishings above the bridge, are represented on the board?—I do not think they are; they may be; I cannot say.

6212. Mr. Evers, of Darlington, who represents Mr. Edmund James Smith, of Whitehall-place, is he a member of the board?—I am not aware.

6213. You rent one of your fisheries under Mr. Fowler, do you not?—Yes.

6214. He is a member of the board, is he not?—I dare say he is.

6215. Is there any other point that you wish to refer to?—No, I think not.

6216. Mr. *Knatchbull-Hugessen.*] If the license duty were reduced to 5 *s.* would there be, in your opinion, a great increase in the number of license-holders?—I do think that there would; it

Mr. *J. Wilson.*

3 May 1870.

is not every poor man that can go and get out a rod license. My opinion is, that more licenses would be taken out and less destruction would be done by boys who kill the smolts in the spring.

6217. You think that if the amount of the licence duty were reduced there would be enough increase in the number of licenses taken out to make up for the deficiency?—I think there would be more money made by the 5 *s.* licence.

6218. Are there many poachers about you now on the Tees?—Not many. They would be further up above Dinsdale.

6219. There are no poachers in Stockton, you think?—I do not know of any.

6220. Have you turned your attention to the constitution of Boards of Conservators?—Not a great deal.

6221. You would be very glad to get rid of the Dinsdale dam, I suppose?—I am certain I should. It would do a power of good. The number of salmon that is destroyed there every year is ridiculous.

6222. Have you ever thought where the money should come from to compensate the owner of that dam if you pulled it down?—We should want some borrowing powers.

6223. Are you an occupier of land or houses in Stockton?—I occupy a house.

6224. Would you be content to be rated for the purpose of raising funds to improve the fishery?—I should be content myself; but I do not know what other people would say, who are not interested in the fisheries.

6225. They would not be so content to be rated, I suppose?—Perhaps not.

6226. But you think, if I rightly understand your evidence, that the value of the fishery would be so much increased, that it would amply repay the public any loss that the public might experience from the removal of the Dinsdale dam?—I have not the least doubt in my mind on that point.

6227. Mr. *Herbert.*] I did not quite understand what you said with respect to the close time; I think you meant that you would like to have an equal amount of time in proportion to the tides with the close time above; you said that very often you leave off at five o'clock on Saturday morning, and that you were not able to fish again until six o'clock on Monday afternoon?—Until two or three o'clock on Monday afternoon; it happens so in every other week.

6228. You want to have it in proportion to the tides?—Yes; three distinct tides every week.

6229. So as to enable you to catch more fish?—Yes.

6230. And decrease still more the stock of fish which are now getting less and less every day in the river; if you catch more of the fish that are going up at the present time, you will decrease the stock going up the river, will you not?—No doubt the more fish we get, the less there will be to spawn.

6231. I think you also wish to get the month of September for net fishing?—Yes.

6232. And you offered to give a month or two in the beginning of the year for that privilege?—Yes.

6233. How many salmon did you catch in that particular month which you would wish to give up?—In March 1867, we caught 18 or 19 salmon.

6234. What do you think you would kill in September, if you were allowed to kill in that month; you would expect to kill a great m more, or you would not be so anxious to give the early month, I suppose?—It is princip the smaller fish that come in; the trout, instance.

6235. You would give up the early month order to be able to kill more fish in Septemb —Quite so.

6236. That would still further decrease amount of fish going up the river, would it n —Yes; we are obliged to give over fishing w the fish are coming.

6237. And that course of procedure wo still further decrease the stock of fish that going up the river, would it not?—There plenty of fish coming up the river, but th come too late for us to get them.

6238. And yet, with all that the stock decreasing on the river Tees, year by year, i not?—We show causes for that; we show t mill dams and the hang nets at sea.

6239. But the fact is, that the fish are decre ing now with the September month open, is not?—Yes, they have decreased within the l two years, since the pass was made, and since t hang nets were used at sea.

6240. And, therefore, if you had the month September as well, under the present circu stances, it would still further decrease the sto of fish, would it not?—Yes; but let us have t dam down, and we shall multiply.

6241. Do you not think that if you are to ha a large stock of fish, it would be advantageo that the upper proprietors and the lower pr prietors should pull together?—Certainly.

6242. Do you think that the upper proprieto would look after the spawning beds and th spawning fish if you were to take away fro them the only month in which the fish have free run, namely, the month of September?— But we have not got a chance of it.

6243. Supposing the dam was removed, an you were allowed to fish in September, would i conduce to the upper proprietors preserving th fish if they knew that the month of Septembe was taken away from them; in other words would it conduce to good fishing, supposing th dam were taken away if the nets were working the river in September; in fact, if you spoil th sport of the upper proprietors, would that, i your opinion, encourage them to increase th number of fish?—It would make very little difference.

6244. But suppose the mill-dam were away, and you have September to fish in?—It would make no difference at all, because there would be plenty of fish for everybody.

6245. You think that the fish would go up in equal quantity, and the upper proprietors would take as great care of the fish as if they had the month of September for spawning purposes?—I cannot say but what they would.

6246. Did you hear the evidence of Mr. Dunbar?—No.

6247. Have you read his evidence?—No.

6248. That gentleman has had a river to himself for years; he paid 200 *l.* a year for that river, 18 years ago, but at the present moment, he is paying 800 *l.* rent, and it is better worth his while to pay that 800 *l.* now, than it was worth his while to pay 200 *l.*, 18 years ago; do you not think that there are some causes which have conduced to those results?—No doubt, if he lets the fish rest awhile, he may get a good stock.

6249. The

6249. The more fish you allow up the river, he better stock there would be, and the more aluable the fishery will get?—No doubt; but e think it very hard that in the tidal part of the iver where we pay a 5 *l.* license, we have only hree months' fishing; and we have to give over ishing every tide nine hours out of every 12.

6250. But if it could be shown to you that n a few years instead of making 5 *l.* you would make 15 *l.*, what then?—Then let us give p fishing for three or four years altogether, and et the stock increase.

6251. Is not the stroke-hauling and catching almon at Dinsdale illegal?—Quite so.

6252. Is it not more the fault of the conser- ators and the water-bailiffs not having proper vatchers than the fault of the law?—I cannot ay what it is; you would want a man there con- tantly night and day in order to watch them, but f the dam was away there would be no occasion or it.

6253. Do you not think that whatever law is assed unless the conservators enforce that law it would become useless?—Quite so.

6254. Therefore if you could put in force the shery laws which you have at present in your wn power you could put a stop to the stroke- auling at the Dinsdale dam?—No doubt you ould if you stopped there for ever; but you would want men to be there night and day for hat purpose.

6255. But it is in the power of the conser- ators to stop that fishing by paying men to vatch?—It would want two men, one for night nd one for day duty, and then you would want ome more men further down. But if the dam as away there would be no occasion for that.

6256. Mr. *Lowther.*] With regard to this amous Dinsdale dam, I see Mr. Buckland states n his last Report: "Let the conservators buy he dam and pull it down; this will be the least xpensive and readiest solution of the question or all parties concerned;" do you think so?—I ave not the least doubt of it if they can raise he money.

6257. Suppose you could buy the dam and pull down, what amount of money do you suppose would be necessary for that purpose?—I should ay that 400 *l.* or 500 *l.* would buy it; I never aw the mill wheel turn round yet, and I have een there several times. They go round with cart, and get a few bakings and set the wheel going. I do not believe that they do much usiness.

6258. Have you been there lately?—Yes.

6259. The drawing which you have there, re- resents the old pass, does it not?—Yes; there s far too much water going through it.

6260. You have been there lately, you say?— Yes.

6261. Have you ever seen the fish go up?— Never.

6262. Have you ever heard of any going up here?—Yes; they will go at certain times in ertain waters, but very few of them go up.

6263. But if you heard that three fish went p in half an hour, should you say that that was great deal?—Yes, I should. I have talked to the millers, and they say that only very few fish get up there, and only when there is a certain amount of water, for when the water is low, all the water n the Tees is running through that hole, and none over the dam.

6264. Do you propose a new pass?—Yes, I propose a new pass to go round the mill.

6265. That would be very expensive, would it not?—It would be expensive no doubt, but it would be a sure thing.

6266. Have you ever calculated the expense of that?—Yes.

6267. Would you mind saying what you cal- culate the expense at?—I have calculated that it would cost between 300 *l.* and 400 *l.*, from 350 *l.* to 400 *l.*

6268. It would be better to buy the whole thing, would it not?—Yes, it would be better to buy the whole thing, and make a sure job of it.

6269. With regard to the salmon that you raise, do you raise them for your own amusement? —Yes, for my own information and amusement.

6270. You do not sell them, I suppose?—No. I used to go out at my leisure hours and get ova, and I have had it sent to me. I made boxes and put the water in; I did it for my own amusement and information, and when the fish were old enough, I used to take the train and turn them out miles above the tideway.

6271. With regard to the bull trout, when do you think they should be killed?—I think they should be killed in September; they come be- tween August and September.

6272. And October?—We have not the power to catch them then.

6273. Do you think it would be of any use making an opening in the middle of the Dinsdale pass?—No, I do not think that would be of any use at all.

6274. That would not relieve the side so as to let the fish go up the side, would it?—No.

6275. Do you approve of the inspector's plan shown in the drawing; have you taken that into consideration?—Yes; I could make the water quite powerless through that hole, so that a boy could walk up it; I could make the water run up the hill, instead of down the hill. I propose to put an iron plate three feet high there, so that the fish should take a jump, and then to put other pools, and then to put a breakwater in the mouth of the dam so as to shut off one half of the water that goes down now.

6276. This plan on one side of the river has nothing to do with the other side?—No.

6277. What would be the cost of the last men- tioned construction?—I should think 30 *l.* or 40 *l.*; it can be done for that money.

6278. The alterations which have been made at present in the Dinsdale dam, were made in con- sequence of remonstrances from the Commis- sioners, were they not?—I believe so.

6279. And they have been entirely unsuccess- ful, have they not?—Yes; they have just made a hole and left it there: there it is year after year, running down and driving the fish back again; they cannot get up, except just an odd fish now and then, when the water is in a certain state.

6280. Mr. Walpole, in his last Report, says: "Minor alterations were suggested by my col- league and myself, which the owner was willing to allow to be made without their conferring any right of fishing, but to these alterations the con- servators objected on the ground that they were 'inadequate'"?—I was there myself with Mr. Buckland and Mr. Walpole, but the water was so high that neither of them could see it; but I believe that Mr. Buckland has been there since, and it was suggested to him at that time that the alterations should take place.

6281. What alteration was suggested?—Put- ting a baulk of wood at the tap, to stop the water at the top end where it comes through, so

Mr. *J. Wilson.* 3 May 1870.

as to let it drop over the dam. The whole of the water in the Tees at this moment is going through that hole.

6282. Is that part, between the mill and the dam, dry?—Quite dry; it was better before the pass was made, because if the water in the Tees was coming over the dam, the fish could jump over occasionally, but they are now jumping at the mouth of the pass, and cannot get through the hole.

6283. Do you think that the fishermen are very careful in the observance of the close time?—I believe they are; I never go there to fish myself, but I hear occasionally.

6284. Would it in your opinion be desirable to extend the weekly close time in non-tidal waters?—I do not know that it would, because those persons can fish from Monday morning to Saturday night in the non-tidal parts of the river.

6285. I understood you to say that any one with a rod could catch a large number of fish at the Dinsdale dam?—I have seen 16 taken in less than half an hour.

6286. Can they catch them in a legal way?—I do not think they take the fly so well as they would in any other part.

6287. But they could catch them with the fly, I suppose?—Yes; and there has been one caught this year coming down, by a gentleman who lives near the place; that fish was fairly hooked with a fly; that is the only one I have heard of that was fairly killed.

6288. You do not take out a license yourself, because you think it is too dear?—I do think that it is too dear.

6289. It would not be worth while to go to the Dinsdale dam with your license, and fish?—No; in fact, I could not get there for the amount of the license, because they would want another sovereign for the land to walk on; they charge for those places.

6290. I think that I understood you to say, you have not many poachers?—Not with us.

6291. Do you find that the poachers pay the fines readily when they are fined?—They were obliged to do so.

6292. But do you find that they pay those fines directly?—They must pay them before they leave the court.

6293. But sometimes people have not money; do you find that the poachers have money wherewith to pay the fines?—I do not know.

6294. You do not hear of their going to prison, I suppose?—We have had them sent to prison.

6295. Would you be in favour of sending a man to prison who has been caught several times poaching?—Yes, and I would suspend his license as well; if a man went on fishing after the close time, I would say suspend his license for the next year.

6296. Are there any restrictions with regard to fishing above mill dams?—Yes.

6297. Do you want any restrictions both below and above mill dams?—I do not know that fishing above a mill dam would be a quarter as bad as fishing below a mill dam; but I should put up a notice that any one found fishing there would be fined, and his license suspended for three years; I mean with regard to fishing below the dam; the temptation is too great to be resisted.

6298. But above the mill dam, he can go where he pleases?—Yes; but keep them 200 yards off the dams, both above and below.

6299. Mr. *Assheton.*] We were told a few weeks ago, that a great number of clean salmon were destroyed by hang nets, which were never brought ashore; that is to say, the fish tumbled out of the nets and were lost; do you know anything of that kind of thing?—I do not think they ever fall out when they once get in; if a salmon is fairly fixed in, he will not fall out.

6300. You think that that assertion was a mistake?—Quite a mistake; I do not think that they will destroy them a great deal; they may drown them. The fish are not quite so good when they have been for several hours in the water. We have pilots who have found those sort of hang nets at sea with dead fish in them, and have brought them into Hartlepool with the fish all fast by the neck. I am prepared to prove it.

6301. Are the fish which are caught in the hang net worse than those which are caught in the drag net?—I should say so, because in the drag net they are killed directly, but in the hang net they perhaps stop several hours in the water dead.

6302. I understood you to say that you thought it desirable that no nets should be made of a larger mesh than 2¼ inches?—Yes, I think that is quite sufficient to kill any fish.

6303. Why do you think that a mesh of 2¼ inches would be less destructive than a 3-inch mesh?—If you get a 3-inch mesh you are certain to drown them, whereas you hang them with the other mesh; the fish cannot get his head through.

6304. Did you never see a salmon small enough to be hanged by the 2¼-inch mesh?—No, not salmon, but I have seen trout.

6305. Salmon must be born a large size in your boxes if they could be hung by a 2¼-inch mesh?—Our meshes are two inches.

6306. But how do you suppose that your salmon ever gets to the size, when you can catch him in a 3-inch mesh?—We never catch any salmon in a net of that description; we never use them.

6307. Would not a 2¼-inch mesh hang a grilse?—I do not know that it would; we do not consider them salmon until they are 8 lbs. They occasionally come when they are 4 lbs., 5 lbs., and 6 lbs., but if they come under that they go through the 2-inch mesh.

6308. Will you be kind enough to explain to the Committee why you think it is undesirable that a fish of the right size should be hung in a 3-inch mesh, and desirable that a fish of the right size should be hung in a 2¼-inch mesh?—If you get above that size you make it into a hang net. You can make the draft net a hang net if you make the mesh large enough; we fish with the draft nets.

6309. I thought I understood you to say that you considered the hang nets ought to be made illegal?—No.

6310. What sort of nets do you say should be made illegal?—I should have no nets made above two and a quarter inches from knot to knot. My opinion is, that hang nets should not be used in rivers, or within three miles of the mouth of a river.

6311. But what nets are used within three miles of the mouth of the river?—Those are hang nets; I thought you were alluding to the nets that we are sea fishing with; I said that no hang

nets

ets should be allowed in any river, or within ree miles of the mouth of any river.

6312. I am now speaking of the hang nets; do ou still think it desirable that the size of the esh should be two and a quarter inches instead three inches?—I do.

6313. What sized fish would you then catch in ose nets?—You would not get them very large; lbs. or 8 lbs. or 9 lbs. perhaps; not more than at.

6314. Which fish do you consider to be the oungest fish; a fish 7 lbs. in weight, or a fish lbs. in weight?—A fish 7 lbs. in weight would the youngest fish, I should say.

6315. So that, according to your scheme, you ould catch the fish in the hang net one year rlier than you catch them already?—I do not derstand your question.

6316. You say that a mesh of two and a quarter ches, would catch a 7 lbs. fish?—It depends on here you fish at.

6317. I am talking now about the hang nets; understand you to say, that a two and a quarter ches hang net, will catch a fish that weighs out 7 lbs.?—Yes, no doubt.

6318. What weight fish would a three inch ng net catch?—I should say about 14 lbs. or lbs.

6319. Then am I not right in saying, that with two and a quarter inch hang net you will catch ounger fish than if you fish with a three inch ng net?—I have no doubt you would.

6320. *Chairman.*] I think you have stated that ou hatched the fish merely for your own amuse- ent?—For my own amusement and information well.

6321. You say that you pay rent for some hing which you occupy in the river Tees?—Yes.

6322. Is it your opinion that if the Dinsdale m were entirely removed you could afford to y a much higher rent than you pay now?—If ere was an increase of fish in the river, which I ticipate, and which I have no doubt there ould be, we could afford to pay more.

6323. In answer to a question put to you by e of the honourable Members, you stated that would require the watchers to be there night d day to watch effectually the poaching that kes place at Dinsdale?—Yes, certainly; one an could not do it.

6324. Supposing it cost 1 *l.* a week, it would ke 100 *l.* a year to watch that place effectually, en?—Yes.

6325. Do you think that the mill itself is orth half that sum per annum?—I have never en it go round, and from what I have learnt om the millers and the men round the place, ey only do a little grinding for pig meat.

6326. Bakings for the people in the neighbour- ood?—Yes.

6327. It is five or six miles from any town, is not?—Yes, more than that.

6328. In fact it is some distance from any llage?—Yes.

6329. I believe that there have been a good any tenants of that mill during the last five or x years?—I believe there have been.

6330. From what you know of the neighbour- ood, have you any doubt that the money needful r buying that dam would be readily raised?— es, very soon.

6331. Do you not think that the salmon fishing the river generally would be increased in a r greater proportion than the amount of the present rental of the mill?—I should say that it would a hundredfold.

6332. I did not quite catch your answer with regard to the person by whom the fish pass was made; did you say that it was made by the Commissioners?—I think Mr. Surtees made it; but I can hardly say whether it was through the judgment of the Conservators that he did so.

6333. It was in consequence of the judgment of the Commissioners, with regard to the illegality of the dam in its present form, that that pass was made, but it was made by Mr. Surtees, was that so?—I do not know, but I believe that the power was to make it through the centre of the dam, but Mr. Surtees wished it made on one side, so that it should not bring the structure down, and the Commissioners gave way.

6334. When any breach of the law is discovered in the Tees district, are the offenders prosecuted?—Directly. I came along with a policeman the other day who was going to serve a summons on an Iron Company (Limited), or rather he was going to serve the summons on the secretary at Manchester.

6335. On the previous Wednesday were you in the police court at Stockton, where a man was charged with poaching?—No, but I heard that you, sir, were prosecuting a man and fining him 8 *l.* or 9 *l.*

6336. A policeman stationed below Stockton watches the tidal water exclusively?—Yes.

6337. About the boys killing the young smolts, is that carried on to any extent?—Yes, during the holiday time, on Easter Monday and Tuesday, and Good Friday, there are a great many smolts killed.

6338. Where is that?—About Worsall; the young fish come down, and they kill many thousands of them.

6339. Mr. *Knatchbull-Hugessen.*] You say that Mr. Surtees raised some little scruple about the opening in the middle of the weir?—Yes; I went up to Darlington to hear the judgment of the court.

6340. Do you think that he would raise a larger scruple if you watched his dam day and night to stop that fishing?—I do not doubt but that he would.

6341. *Chairman.*] Do you happen to know that during the last three or four days an application has been made for a search warrant to inspect the premises?—I was not aware of that.

6342. Mr. *Herbert.*] You have stated that you have seen 16 salmon obtained by stroke-hauling at this dam; how long did it take to catch those salmon?—Not half an hour.

6343. Do you object, as the lessee of fisheries, to that mode of procedure?—I do.

6344. Did you see the men catching salmon yourself?—Yes.

6345. Did you know the men?—Plenty of them; there were two or three men at it.

6346. Did you not try to prosecute them?—No.

6347. You saw a law being violated, and, as lessee of the fishery, you did not attempt to prosecute the men?—I did not; I did not wish to be a public informer.

6348. *Chairman.*] You were on private property, were you not?—Yes.

6349. Do you know that a gentleman who at that time resided at Over Dinsdale Hall, close by, was prosecuted for that very offence before the bench at Stockton?—Yes.

Mr. *J. Wilson.*
3 May 1870.

6350. It was proved that he had killed a considerable number of fish in a very few minutes, was it not?—Yes, you cannot help it.

6351. Mr. *Herbert.*] Is it the case that at all times of the water there are so many salmon that a man can go and stroke-haul 16 fish at the pool of that weir?—No, not at all times.

6352. How many times, on the average, during the course of the year would you say there would be such a quantity of fish that you could do that?—That would depend a great deal on the state of the river.

6353. Would you say that it would be so for six months during the course of the year?—No.

6354. Five months?—No.

6355. Four months?—It might be so during four months.

6356. In other words, if you put a bailiff on the watch during four months of the year, instead of paying a pound a week all the year round, you could prevent this illegal fishing going on?—Yo might do so just at that particular place.

6357. Mr. *Lowther.*] You have said there no poaching, but there is this stroke-hauling; d you call stroke-hauling poaching?—It is an illeg mode of fishing, and I suppose it is poaching, b it is done in open daylight.

6358. *Chairman.*] I think you will scarce say we have no poaching on the River Tees?— We have had one case this year, up a small bec

6359. Mr. *Lowther.*] If I correctly understar you, you do not consider stroke-hauling poac ing?—It is an illegal mode of fishing and I su pose it must be poaching, but I have seen a doz there together; you might say that a boy with rod, going catching smolt is poaching.

6360. *Chairman.*] Is there any other poi that you wish to bring before the Committe —No.

Mr. George Hale, called in; and Examined.

Mr. *G. Hale.*

6361. *Chairman.*] You live at 31, Bowser-street, in Stockton, do you not?—Yes.

6362. I believe that you act as treasurer and secretary to the fishermen of the town of Stockton?—Yes.

6363. Have you come here to-day at the request of those men, to present their views to the Committee?—Yes, I have come here at their request, to represent their interests.

6364. I believe that you have had one or two meetings on the subject?—Yes, we have had two meetings.

6365. Have you heard the evidence of Mr. Wilson?—Yes.

6366. Generally speaking do you agree with the views which he has expressed to the Committee?—Generally I do, but not in every point.

6367. Will you be good enough to mention the points on which you do not agree with him?—One of them is this, he says that the season should start on the 31st of March, whereas the Stockton fishermen do not care if it does not open until May, but we said April, in consideration of the men higher up. We think that is too soon, but we are willing to go to April.

6368. You would not fish in February or March?—Just so.

6369. But you would go a little further, and would not fish in April, if I understand you rightly?—We would allow the men higher up in the tidal waters to fish in April. Their places are better adapted for catching salmon in the spring of the year, than the lower waters are.

6370. You represent the men who fish between Stockton-bridge and the sea, do you not?—Yes; from the Pottery Hole, a mile and a half above bridge to the sea.

6371. And within those limits the fishermen do not pay any rent, I believe?—None.

6372. They claim to fish there as a matter of public right, do they not?—They claim to fish there as a matter of public right.

6373. When do you propose that the open season should begin with them?—On the 1st of May.

6374. You would be content to begin on the 1st of May?—Yes, we should be content to begin on the 1st of May; in fact, there is not one man in ten who takes to fishing before the 1st of June.

6375. So that it would quite suit the purpo of those whom you represent if the open seasc say, below the Stockton stone bridge, began the 1st of May?—We should object to bei debarred from starting sooner, for the circu stances of the river might alter.

6376. But taking it as it is now, you wou have no objection to that arrangement?—It not profitable at present to fish before May.

6377. You would be content if the op season began on the 1st of May?—Yes.

6378. Do you seek to have it extended beyo the present time?—Yes; we would be conte with 17 days, that is to say, as it was previous the passing of the Act of 1861.

6379. That is to say, to fish up to the 17th September?—Yes.

6380. Do you agree with Mr. Wilson, wi regard to the size of the mesh of the nets?—W do not care about a maximum size, and we do n care how big it is; but we do care about t minimum size; we want the minimum size to h not more than $1\frac{3}{4}$ inches; that will allow us catch trout.

6381. You would agree to an inch and $\frac{3}{4}$ fro knot to knot?—Yes.

6382. Do you agree with Mr. Wilson, wit regard to the time during which you should fis during each tide?—Yes, we can only fish thre hours in each tide, that is to say, three hours o of every twelve. That is at low water time, whe the tide is easy. The current is too strong durin the other part of the tide, and there is no groun to walk upon. The sands do not bear.

6383. That is to say, the place on which yo would land the salmon is covered with water?— Yes, and then if there was land to fish upon, th current is too strong to allow us to do so.

6384. Do you find that during the month c April most of the fish in the river are unclean?— Yes, I have it on good authority that there hav been 10 fish caught the second week in April thi year, and out of that 10 there was only one clea fish.

6385. On the other hand, have you a record c the number of fish caught in one boat in the yea 1861?—Yes.

6386. Do you know that the average taken i each boat in that year was 45?—Yes, that wa the average; but perhaps the Committee wi allo

ow me to remind them that it does not follow at there was a larger number of fish taken ecause there were only 12 boats fishing in that ear, whereas there were 38 boats.

6387. In that year, out of 45 fish caught, were 0 of them caught in September?—Yes.

6388. Nearly one-half of them were caught in at month?—Yes.

6389. That is to say, between the 1st and 17th September?—Yes.

6390. Were all those fish what you call late sh?—All red fish.

6391. That is to say, fish in the very best possible condition?—Yes; they are a very peculiar ind of fish that inhabit the Tees. I do not know whether they are in any other river or not. And ince the time has been altered to the 1st of September, we have rarely seen one. There used o be very profitable fishing in September for hose red fish.

6392. They are very excellent fish, are they ot?—They are the best fish in the Tees. Some gentlemen will not buy the fish until the red fish ome in; they will wait until the very last week, nd we cannot get them since the law was altered.

6393. With regard to the weekly close time, ou think that it should be somewhat regulated by the tides, do you not?—Yes.

6394. Do you agree with the previous witness hat, occasionally, you cannot fish between five o'clock on Saturday morning and three or four o'clock on Monday afternoon?—Yes.

6395. Do you approve of the price now charged for licenses?—I think that it is too much for the fish that has been caught lately; but if the dam is taken away, or if the river increased in the production of salmon, it would not be too much, because we think that there must be some expense incurred, and that we ought to pay our share towards it.

6396. You would be prepared to pay a higher license duty than you pay at present, as a means of raising funds for buying up that obstruction?—If there was a fair prospect of more salmon to repay it, we should have no objection.

6397. You agree with Mr. Wilson in the expectation that there would be a great increase in salmon?—Yes.

6398. Dinsdale dam is one of the sights of the neighbourhood; people go to see the fish leap, do they not?—Yes.

6399. I suppose you know that we have some poaching occasionally in our neighbourhood?—Yes.

6400. Have some of the men with whom you have been brought in contact in fishing, the same experience of the Dinsdale dam?—Yes.

6401. Will you tell the Committee anything that you have gathered from those men?—I know a man, not the last three or four years, but before that, say in the year 1861, the man cannot say exactly the year; but he told me, that he made a practice of going to Dinsdale at the back end of the season, that is to say in October, and he used to tell the fishermen at Stockton as a boast that he could kill more salmon in Dinsdale in a week, than they could do in the whole season with nets.

6402. Did he say how he managed that?—Yes; he used to manage it with a trammel net, and going into the water up to his neck sometimes; the fish is all accumulated below the dam; they cannot jump over, and they can sweep them up wholesale.

6403. Do you know that that was done?—I know it from the man's own words.

6404. What time of the year was that?—That was after the 17th of September.

6405. That was poaching into the bargain, was it not?—Yes, it was clearly poaching.

6406. I think we have in use in the Tees, below Stockton, nets which are called sparling nets?—Yes.

6407. What is the mesh of that net?—Half an inch, and $\frac{1}{16}$th.

6408. The sparling are caught in great numbers, are they not?—In some seasons; they have diminished a very great deal lately.

6409. Do you think that fishing with the sparling net ought to be regulated or prohibited?—Yes, we think that it should not be allowed at all during the salmon season.

6410. Do they occasionally join together a man with a license for a salmon net, and a man with a sparling net?—Yes; those men have to pay no license; they are fishing ostensibly for sparling, and at the same time catching salmon; it is just the same as salmon netting; it is very difficult to find them out, because they will join a man who has a license, and will transfer the salmon from their boat into the other boat.

6411. Our watcher would scarcely detect them?—You cannot do it, because they have no salmon in the boat when the man goes there.

6412. What do you propose to do with regard to that?—To prohibit them fishing altogether from the 1st of June to the 1st of October.

6413. Between those dates I believe that the sparling are not very good?—No, it is their breeding season. I have seen the nets kill the young sparling by the bushel when they were not more than two inches long; in summer time they are worthless.

6414. What you propose would not merely prevent the illegal taking of salmon, but it would also preserve the sparling?—Yes.

6415. During what period of the day or night are the fish principally caught in that part of the river which you represent?—The night is five to one, that is to say, for real salmon, and in the day time five to one for trout.

6416. You think that it would not do to prohibit net fishing between eight o'clock at night and four o'clock the next morning?—That would be practically prohibiting fishing altogether in that part of the Tees.

6417. Would that have a tendency to increase night poaching?—Yes, it would be a very great inducement.

6418. At present I believe there is very little night poaching because those who have licenses are out fishing?—Yes; I do not know any except of fishing with sparling nets.

6419. Are you of opinion that power should be given to fishery boards to make bye-laws?—Yes, we have no objection to that, if our interest were represented.

6420. At present the Tees Fishery Board is elected by the court of quarter sessions, is it not?—Yes.

6421. Is it the opinion of the fishermen whom you represent that those who pay a license duty in public waters should be represented on our board?—Yes, they think so.

6422. Would you have every man who pays license duty have a vote, or would you have them elect a certain number to meet the other

Mr *G. Hale*

3 May 1870.

members of the board?—I have not thought about it.

6423. But at all events, they should be adequately represented, you think?—Yes.

6424. You are probably of opinion that the bye-laws should be confirmed by some central authority?—Yes.

6425. Before whom the fishermen could be heard?—Before whom the fishermen could be heard; I may state that the reason why we allow the sparling nets to fish till June is, that in the months of April and May, there are sometimes large shoals of sprats which come into the river, and they cannot catch those sprats in any other net but the sparling net, and to prohibit that sprat fishing altogether, would be a great loss to the fishermen.

6426. We have heard from Mr. Wilson, that stake nets on the shore were abolished after the passing of the Act of 1861?—Yes

6427. Had that abolition, and the watching of the river, a beneficial effect on the salmon fisheries of the Tees?—Yes; to the extent of about one-third, as near as I can tell.

6428. I dare say you think that the salmon fishery might still be very much improved?—Yes; I do.

6429. Mr. *Herbert.*] You said just now, that you did not begin fishing till the 1st of June?—The 1st of June is the earliest period at which I ever start, and I have fished for 20 years.

6430. You would like to prohibit fishing before the 1st of May?—Yes.

6431. And you would fix the 1st of May for starting?—Yes.

6432. And give up the earlier part of the season?—Yes.

6433. And get 17 days or 15 days in September?—Yes.

6434. You would give up what is of no use to you, and take the month in which a great number of fish will be caught?—Not a great number of fish; perhaps as many as would be caught in August, but they would be a paying number.

6435. I believe you agree with the other witness, that the number of salmon have very much decreased in your river of late years?—No, not of late years.

6436. Since when have they decreased?—They decreased from the year 1843 to the year 1861, and from 1861 to the present time they have increased.

6437. Have they increased a great deal?—No.

6438. Then in what ratio have they increased?—To the extent of about one-third, so far as our experience goes.

6439. Have they kept up to that increase of one-third each year, from 1861 up to now?—Yes, with a small variation; I have a list.

6440. *Chairman.*] Will you give the Committee that list; is that a list of one boat?—Yes, that is a list for one boat which has been employed for 20 years; that will give you a fair average of the rest of the boats.

6441. Has the average size of each fish increased, or has it been the same?—The average is about 12 lbs.

6442. Has it varied at all?—It is much about the same. In the year 1850, there were 66 caught; but we have two distinct fish; we have salmon and grilse. In the year 1851, there were 59 fish caught; in 1852, there were 69 fish caught, and 140 salmon trout; in 1853, there were 50 fish and 160 salmon trout caught; in the year 1854, there were 34 fish and 94 trout caught; in 1855, there were 52 fish and 170 trout caught; in 1856, there were 40 fish and 180 trout caught; in 1857, there were 32 fish and 160 trout caught; in 1858, there were 30 fish and 180 trout caught; in 1860, there were 29 fish caught and 124 trout; in 1861, there were 106 fish and 175 trout caught; in 1862, there were 69 fish and 108 trout caught; in 1863, there were 61 fish and 118 trout caught; in 1864, there were 56 fish caught and 112 trout; in 1865, there were 79 fish and 128 trout caught; in 1866, there were 77 fish and 102 trout caught; in 1867, there were 83 fish and 108 trout caught; in 1868, there were 54 fish and 98 trout caught; and in 1869, there were 66 fish and 86 trout caught.

6443. In fact, since the year 1861 there has been a steady take of fish?—Yes.

6444. Mr. *Herbert.*] Do you not think that if you get the month of September instead of those two months in which you get no fish, that that would materially stop the fish that go up to breed, and therefore will tend to decrease the fish very much in the same way as they were decreased in the year 1851?—No.

6445. Do you think that the fewer the fish that go up to breed the less fish there would be in the river?—In the year 1843 (I do not know it of my own knowledge), when there were no restrictions, there were better seasons, I am told, than there have been since there was a restriction.

6446. But those hang nets were not working in the same way, and the methods of taking fish were not so deadly as they are now, I believe?—There never has been any other method of fishing in the Tees for 50 years past; we have no hang nets in the Tees.

6447. Do you think that it would be advisable for both the upper and lower proprietors to try to preserve the fish mutually for their common benefit?—Yes.

6448. In fact, to let each have a fair proportion of fish?—Yes.

6449. You have spoken about a man poaching with a net at the Dinsdale dam?—Yes.

6450. Is that frequently done?—Yes, it was done season after season.

6451. Is that done at the present time?—No; he has desisted from doing it since the Act of 1865 was passed when there were more watchers put on; he would very likely have been caught if he had continued that practice.

6452. Did you ever see him stroke hauling at the dam?—No, I only have it from his own information.

6453. Mr. *Assheton.*] I think I gather from your evidence that you have no personal knowledge of the way in which those hang nets are fished?—No, I have no personal knowledge of them, but I know from a description of them quite well how it is done.

6454. Do you think it is desirable that there should be any alteration in the law with regard to those hang nets?—I think that they are an injury to the fishing; for this reason, that they can be used continuously, whereas the draught net can only be used for three hours out of 12, leaving nine hours for the fish to pass. The hang net is not bound to land on the shore; it can be attached to the boat; they can set those nets on Monday morning, and they need not lift them until Saturday night. The hang nets are four times as destructive as the draft nets, owing to the number of

of hours that you fish. The draft net is the fairest system of fishing that there is, in my opinion.

6455. You, as a fisherman, would be able to give an opinion on this point; when a fish is caught in the hang net, and is left some hours in the water, before the net is raised, is its carcase injured?—I cannot give an opinion upon that point, for I never saw one; I have seen a trout hanged in our nets by the gills. I could not say that they were much the worse for it, they were rather disordered about the gills, but the fish were no worse. Since there has been an alteration in the size of the mesh we catch most of our trout hanged, but it is only for a few minutes, while we make a sweep of the net.

6456. Are you not in the habit of seeing the fish that have been for some hours in the water?—Yes, I saw them at Billingsgate Market this morning, with marks upon them, where they had been hanged, but the fish did not seem to be much the worse for it.

6457. Do you think it is desirable that there should be any change in the mesh of the hang nets?—To make the mesh smaller, would be practically to prohibit them.

6458. Why would it have that effect?—Because they could not catch the fish in that manner; if the mesh was smaller the fish could not get their heads into the nets.

6459. Would they not then catch young salmon or grilse?—They might catch young salmon or grilse, as you lower the mesh, they could, of course, only catch fish less in proportion.

6460. You think that if they could not catch those large fish it would not be worth while to set the nets?—Just so.

6461. You have stated that a $1\frac{3}{4}$-inch mesh of net would catch trout?—Yes.

6462. You mean trout that come from the sea, do you not?—I mean trout that inhabit the Tees; we do not get many bull trout; our trout run to about $2\frac{1}{2}$ lbs. on the average; the mesh which we use is too big, and nearly half the fish get through it; what fish we do catch, we catch hanged.

6463. How many sorts of fish are there that you know of that go up and down from the river to the sea of the salmon kind?—We have three sorts. We have fish that come in the Spring, what we call the black cap. It is a small silvery fish with a black head and back. They generally run about 8 lbs. or 9 lbs. They come about April, and odd ones in May. There is another kind of fish that comes about June of the silvery kind, which is a rather larger class of fish, averaging about 11 lbs. They continue to the end of August. And then, lastly, come the red fish, which we have not an opportunity of catching at all now, and the red fish is bigger still; they will average, perhaps, 15 lbs.

6464. And all those fish you call salmon?—Yes, they are so.

6465. How many kinds of trout have you which come up from the sea?—I think there are about three kinds.

6466. What are they?—There are some trout of a very light coloured silver, and others are dark in the back.

6467. Are the dark coloured fish the same kind of fish as the silvery fish?—I think they are of a different breed.

6468. What size are the light coloured ones?—They are rather smaller than the others; they are about 2 lbs. to 3 lbs.

6469. Are either of those what are called bull trout?—No.

6470. The bull trout is larger again, is it not?—Yes, they are larger.

6471. What size are they?—About 5, 6, or 7 lbs.

6472. When do most of the bull trout come up?—In September and October.

6473. Are you quite sure, in your own mind, that what you call the light, or silvery trout, would never grow into bull trout?—Yes.

6474. You feel certain of that, do you?—I am convinced, in my own mind, that there are three distinct species of trout.

6475. Have you personally been in the habit of catching black caps, silver fish, red fish, the light coloured silver trout, the dark trout, and the bull trout?—Yes.

6476. You have been in the habit of catching all six of them?—Yes.

6477. Mr. *Whitwell.*] Do you mean by red fish, that they are red inside?—No; they are a fish with red spots all over them, and very much like the fresh water trout in appearance. It is a very pretty fish, and very rich. It is a fish peculiar to the Tees.

6478. You do not kill them now, because you are not allowed to do so?—We do not kill them now, because the season is not long enough extended into September.

6479. How far do they run up the river?—Just to the same place as the other salmon.

6480. What is the character of the spawn of those red fish?—They are just the same kind of spawn as the other.

6481. What is the character of the young fry?—They are red when they are grilse; they are a distinct species altogether; we get red grilse later on in the season, but we have had very few lately.

6482. What is the largest size of red fish that have been captured?—Eighteen or twenty pounds, perhaps.

6483. Are they never caught in nets at sea?—I have no experience of net fishing in the sea.

6484. You do not see them at the fish-stalls at Stockton?—No, not the red fish.

6485. *Chairman.*] Is there any other point that you wish to speak to?—No.

Tuesday, 10*th May* 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knatchbull-Hugessen.
Mr. Assheton.	Mr. Knight.
Mr. Dodds.	Mr. Liddell.
Colonel Edwardes.	Mr. William Lowther.
Mr. Hambro.	Earl Percy.
Mr. Herbert.	Mr. Evan Richards.
Mr. Staveley Hill.	Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Thomas Lechmere Marriott, called in; and Examined.

Mr. *T. L. Marriott.*

10 May 1870.

6486. *Chairman.*] You reside at Saint Ann's, near Milford, do you not?—Yes; I reside within a mile of the town of Milford, in Pembrokeshire.

6487. You have a fishery district formed in that neighbourhood, I believe?—Yes; there is a district called Cleddaw.

6488. Is that the district which we see marked upon the map at the extreme western point of South Wales?—It is.

6489. Are you a member of that Fishery Board?—No, I am not; I have nothing to do with the Fishery Board Department.

6490. You take an interest in the question, on behalf of sea fishermen and sailors, and other people of that kind, do you not?—I live amongst a population of that kind, and I naturally take some interest in them.

6491. From that circumstance, I suppose, your attention has been directed to the operation of the Salmon Fishery Acts of 1861 and 1865?—Yes, it has.

6492. Does the district in which you reside embrace a very considerable extent of open sea-coast?—It extends from St. Govan's Head down to Strumble Head, which is a considerable distance; nearly the whole of the coast of Pembrokeshire; St. Govan's Head is the southern point of the district; it is a very considerable extent of coast.

6493. I believe that in the portion of the sea abutting on that coast, rights of fishing have been exercised from time immemorial?—That is so, no doubt; there are poor villages of fishermen who devote themselves entirely to it, and have done so as long as memory can go back.

6494. Their livelihood is entirely dependent on fishing?—Yes.

6495. What kind of fish are taken on that coast generally?—It is remarkable for the variety of fish taken; we take principally whiting, turbot, cod, skate, and soles particularly; there are remarkably fine soles taken there; oysters and river fish of different kinds; red mullet is a fish often caught.

6496. Can you give the Committee any idea of the number of persons within that fishery district, who are dependent entirely on fishing for their livelihood?—I am afraid that I cannot give statistics at all, but I can say that there are several separate classes, living in different villages in different parts of the estuary, who each have their particular class of fishing; one class of fishermen who are nearest to the fresh water are the Llangan men; that is a village supposed to have been derived from the Flemings when they sought refuge in this country; they are a peculiar class of people who devote themselves to fishing within Milford Haven Harbour, and very rarely go out of the harbour; their most important fishery is the salmon fishery with nets; you see the village of Llangan on the map (*pointing it out.*)

6497. That is a considerable distance up the river, is it not?—That is a considerable distance up the river where the water is fresh at low water. Those men employ themselves during the salmon fishery season chiefly in catching salmon; and in the winter in catching oysters in the Haven.

6498. But they are professional fishermen, fishing all the year round?—Entirely so.

6499. Did they fish for salmon to any extent before the year 1861?—Yes, I have no doubt that the fishery existed. I have asked the oldest people, and they did not know the time when the salmon fishing began there.

6500. In your opinion, have the Salmon Fishery Acts of 1861 and 1865 injuriously interfered with the occupations of the fishermen whom you refer to?—No, I think not; the Llangan men, I think, are properly speaking within the category of salmon fisheries.

6501. But with regard to the fishermen within the district generally, is it your opinion that their occupations have been interfered with by those Acts of Parliament?—I should draw the distinction with the Llangan men; the Llangan men are properly subject to the jurisdiction of the salmon laws. The principal part of their livelihood depends on catching salmon; but when you come lower down the Haven to another class of fishermen, say the Milford fishermen, then I say you have got beyond the salmon fishery district, and there the salmon fishery laws do mischief, and also to all the fishermen below Milford, and the Anglé fishermen too.

6502. And the whole way around the coast, after you get out of the estuary, I presume?—Yes, exactly.

6503. Do you suggest to the Committee that a very large proportion of the sea-coast, in your own neighbourhood should be excluded from the fishery district?—For reasons which I shall be

ble to show to the Committee, I think almon fishery district ought to end about Point, coming down the Haven. I do not that the salmon fishery laws ought to extend nd that place which I will show you on the

04. Will you be kind enough to describe it oint at a given distance from the estuary?— Point is about a mile below the lowest of Her Majesty's Dockyard, which is called embroke Dock; a line should be drawn from oint, so as to include within the fishery dis- Pennar Mouth; and all below that in the en might very well be free without any y to the salmon fishery.

05. And thence the whole of the way around oast?—Yes.

06. Is there any river on the north side e the district terminates?—Nothing but a small stream, and I should doubt if that is ry consequence with regard to the salmon.

07. You consider that the one on the south- side is the only important salmon fishery in the district?—I do.

08. What is the name of that river?—The ldaw.

09. That is the river flowing through Mil- Haven, is it not?—That is a river flowing ugh Milford Haven, of which Milford Haven e estuary; there are two rivers; one is called Cleddaw, and the other is called West ddaw, but they both flow into one common ary.

10. In your opinion, the Acts of 1861 and 5 were intended to be confined to salmon rs and to the coast immediately abutting n them?—Such as properly belonged to them, ould rather say; some estuaries may be dif- nt; it may be right to extend the salmon ry jurisdiction lower down in some estuaries, more along the sea-coast, than in some rs; but I think this is a place where they do e injury to the sea fishery than they do good he salmon fishery, and that they had better be extended; at all events, that is my im- sion; I think there is a limit which cannot ntirely defined by figures, but must be left to discretion of somebody.

11. Much depending on local circumstances, ppose?—Yes, no doubt.

12. Is there not power under the present of Parliament for fishery boards, with sanction of the Home Office, to exclude ions of the sea-coast?—No doubt there ut it has not been exercised; we have nearly 0 miles of open sea-coast included within non districts.

13. But might it be excluded now if the me Office were satisfied that it would be well xclude it?—I believe it might.

14. Therefore your complaint is rather with rd to the mode in which the Act has been into operation than with regard to the pro- ons of the Act itself?—My complaint is a prac- l one; I have not touched upon theory.

15. You think that the Act should be con- d to the district within which salmon fishing es place to some extent?—My opinion is that should not extend the operation of the Act hose parts where the number of salmon caught so few as not to interfere practically with the non fishery; of course salmon may be caught dentally on any coast.

16. But where salmon are not generally caught and where it would not be profitable to fish merely for salmon, you think the Act should not extend?—Just so; I have an accurate knowledge of every part of the district; I fish myself and go out with the men who are fishermen of every class; I have been frequently out all the night; I know nothing about other districts.

6517. Do the sea fishermen along the coast divide their time according to the seasons of the year?—Yes.

6518. In the winter months what do they do?—In the winter months they dredge for oysters, both inside and outside the Haven; they are subject to the Oyster Fishery laws; they have to number the boats with a registered number, and so on; and, no doubt, if there ever should be a sea fishery commission, similar to the salmon fishery commission, they would be properly subject to such a commission.

6519. What do they do in the summer?—In the summer they fish with the seine net; wherever there is a little sandy beach between the rocks and outside the Haven, they fish with the seine net, which is not of much consequence inside the haven.

6520. What is the seine net?—The seine net is about 100 yards long, generally speaking, and it is worked by five men; five men go out in a boat during the night, and then a man goes ashore with a rope attached to one end of the net, and then the four men pull the boat, paying out the net in a semicircle.

6521. In fact, it is a similar kind of net to what in the north we call a draft or sweep net?—Yes, precisely the same; that is the only net by which sewin are caught.

6522. Is there a bag at the end of the seine net?—Generally, but not always; there is a bag in my seine net.

6523. But that is not usual in seine nets, is it?—There are some without, I know.

6524. When salmon are caught occasionally on the open sea-coast, are they generally in good condition?—I never saw one in a bad condition caught on the sea-coast; they are very seldom caught at all; the sewen are caught sometimes; that is to say, the sea trout.

6525. Do young men from those fisheries enter our naval and mercantile marine service to a considerable extent?—There is no doubt of it; I have known many instances of it in my neighbourhood; it is a school for the young men who afterwards make the best sailors.

6526. It is, in your opinion, what we often hear described as a nursery for our naval seamen?—Yes, no doubt; they learn more intimately the dangers of the coast and the currents during their fishing expeditions than they could by any other means.

6527. Do you consider that the operation of the Acts of 1861 and 1865 is diminishing the number of men who are employed in that way?—I think that the tendency no doubt is to make fishing less profitable.

6528. But has it diminished the number at all up to the present time?—I know several cases of young men wishing to obtain other employment; they have applied to me for employment; but I could not give instances of actual decrease.

6529. Do you know that they are at all discouraged in their occupation by the operation of those Acts of Parliament?—They have complained to me very much about it, but the salmon fishery laws are not enforced; they are disre-

Mr. *T. L. Marriott.*

10 May 1870.

garded altogether outside, and they are practically inoperative except for annoyance.

6530. In what respect are they disregarded?—The sea fishermen know nothing of those laws on the outer coast, and they actually have been known to go and sell fish after the close season in the open market; they had them seized, and without any knowledge whatever that it was wrong; as recently as 1868 I had a case of that kind.

6531. They are entirely ignorant of the existence of those laws, you think?—No; they all know that there are laws, and I have no doubt that those men would know perfectly well that they must not take salmon in future there, because they were liable to a penalty of 30 *l.*, but the penalty was not enforced under the circumstances.

6532. Mr. *Knight.*] That was in September 1868, was it?—Yes, in September 1868.

6533. *Chairman.*] You now refer to men who took salmon on the open sea-coast, out of the estuary?—I now refer to men on the open sea-coast, out of the estuary. I am not speaking of taking salmon, but I am speaking of the laws with regard to the size of the mesh of the nets, and with respect to having certain things on board the boat being liable to examination by the agents employed by the Salmon Fishery Commissioners, and so on. They have no license for taking salmon, and they disobey the law in that respect. They do occasionally kill salmon, whether intentionally or not, but they kill salmon in taking other fish.

6534. They do not return salmon to the water when they get hold of them?—If it was fit to eat I am sure they would not do so.

6535. Do I understand you to say that no licenses whatever are taken out for fishing for salmon off that sea-coast?—I have not heard of one.

6536. Are there a considerable number of licenses issued in the district?—I presume that all the Llangan men have licenses, but I am not much acquainted with the up-river fisheries.

6537. But the licenses are taken entirely by men whose occupation is up the river?—Yes, and whose occupation is for the time properly salmon fishing.

6538. You do not know the number of men who take out licenses?—I do not know anything about the up-river fishery.

6539. Do you think, in your own district, that a portion of Milford should be excluded, or do you go some distance beyond?—I think the whole of the coast outside of Milford Haven, and a portion of the Haven itself, ought to be excluded; from my knowledge of the quantity of salmon caught in the Haven, I am quite sure it could not materially injure the salmon fisheries to leave that portion of the Haven open which is below Ware Point.

6540. Has some special instance come under your notice within the last 18 months of injury which has resulted from including a portion of the Haven?—I will give an instance of some poor fishermen at Milford who were summoned. I have a notice of the adjournment before the magistrates in my hand, that was in the year 1868. On the 16th of September of that year, the wives of some of the fishermen of Milford were selling fish, including sewen and two salmon. The fish were seized, and the men were summoned before the magistrates, and were told they would have to pay a penalty of 30 *l.* I appeared at their request before the magistrates, and case was adjourned from time to time, a think ultimately no decision was come to b magistrates; but those fishermen were put t expense of many journeys to Haverford and back again, a distance of 18 miles railway, which was, of course, a very c derable loss of time to them; they were u tunately wrong, according to the letter of Act. Those fish were in good condition, th it was after the commencement of the c season, and those fish had been caught in opinion where they ought not to have bee cluded in the district, that is to say, they caught in Fresh Water Bay, outside the Ha which is a sandy beach washed by the wav the Atlantic, without any interruption bet New York and Fresh Water Bay, where no sa fishery could be injured by taking them.

6541. Where did those men, who were s moned, reside?—They reside at Milford.

6542. In the estuary, at a point below w you think the salmon laws should be in o tion?—Below that point.

6543. The fish were offered for sale in Haverfordwest Market, were they?—Yes, were offered for sale in the open market; t was no concealment of it at all; they had no that they were doing wrong.

6544. But if those men were permitte catch fish in that way would it not lead great infringement of the law generally think if they captured fish outside the dis it would not lead to any great infringement of law.

6545. You do not think that it would lea a great many disputes?—No, I think not; only way of getting out of the way of the q tion of disputes would be to limit the dist It does not appear to me that the Acts of liament, in their original form, were intende go beyond what was necessary for the river fish In my opinion those Acts never contempl including the whole coast of England in t jurisdiction; that is my impression in rea the Acts.

6546. Including the whole, as your coas included, operates as you think, injuriously do think so. I think there is more damage c by one of Her Majesty's steamers throwing ders over in the harbour, than by all the c fishing that we have there.

6547. Is throwing of cinders permitted?— not know, but I have seen it done.

6548. It is the only harbour in England w it is permitted, if it is done, is it not?—At events it is done.

6549. What other remedy do you sugges the Committee for the evils of which you c plain besides the exclusion of the coast distr —I do not propose any other remedy; I th no other would be effectual; at present the l that do apply, or that the river bailiffs mi choose to consider applied to sea fishermen, most injurious to them, and they have no reme suppose the bailiffs interfere improperly with sea fishery, they have no remedy against th the bailiff is a protected officer, and whate expense a man may be put to by his mistak the genus salmon, or on any other account if t have to spend a lot of money in going up Haverfordwest, and in loss of time, they have remedy for it, and I think it is a very g pity.

6550.

50. Surely the water-bailiff is only protected
ne proper discharge of his duty, and if he
eds his power there is no protection for him,
ere?—I am not supposing that he does any-
g wilfully wrong, but that he is not a naturalist.
51. Have you ever had under your notice a
where mischief of that kind has been done?
o, I have not.
52. Then it is only a possible case of your
imagining, is it?—It is within the meaning of
Act of Parliament.
53. It is possible that the law might be so
into operation by the fishery board, or by the
iffs under that board, as to be productive of
hief, is that what you mean?—It is very
ly it would, I think, by bailiffs, but I am quite
that the fishery board would not.
554. The law having been in operation now
some years, and no such case having occurred
hin your knowledge, is it not reasonable to
pose that it is highly improbable?—No; as
y become more strict, and as the bailiffs ex-
d their authority, they are very likely to in-
fere in that way; but it is a great pity the
should empower them to do it when it is not ne-
sary; the salmon fishery laws include whiting,
instance.
6555. Is that so?—It is so stated in the Act
Parliament.
6556. But surely the fish which is ordinarily
own as whiting is not included?—No; because
is said to be covered afterwards by other fish
the salmon genus.
6557. "Salmon shall include all migratory fish
the salmon genus, whether known by the name,
ong other names, of whiting;" but that does
t apply to ordinary whiting, surely?—No; but
e of those bailiffs would not draw that distinc-
n.
6558. But if a bailiff seized an ordinary whit-
g, and called it a fish of the salmon kind, do
u not think that his ignorance would be exposed
ectly the case came before the magistrate?—
es.
6559. And the charge would be dismissed?—
o doubt.
6560. Do you not think that the bailiff would
discharged who displayed so much ignorance
his duties?—No.
6561. Do you mean to say your fishery board
uld keep in their employ a water-bailiff who
uld seize an ordinary whiting and call it a fish
the salmon genus?—He would not do so more
an once, probably.
6562. But he never has done it, up to the pre-
nt time, I suppose?—No; not that I know of.
nen the fixed engines are made to apply to the
a fishing.
6563. What clause are you referring to now?
I am referring to section 39 of the Act of 1865.
6564. That is the section for definition of terms,
it not?—Yes; that is the section with regard
the definition of terms, and in it is included
ed engines. There are several modes of fishing
the sea fishery whereby they might come within
e penalties of that clause as fixed engines; for
stance, they have lines that are anchored; the
mmel net is a fixed engine, it is weighted to
e bottom.
6565. It is weighted with lead, is it not?—It
weighted with lead and stones to hold it still in
e tideway.
6566. Does it settle on the ground?—It settles
the ground at each end.

6567. Has the legality of such a net as that ever been questioned in your district?—I do not think it has, but it might be.

6568. Have you ever had the Special Commissioners down there?—Yes; but I am speaking of the sea fishery; I do not know that it is used at all in the river.

6569. Have those nets ever been interfered with by any one?—No, I believe not.

6570. It has never been alleged that they are fixed engines within the meaning of the Salmon Fishery Act?—I think not; but it is clearly so. I think that the power hangs over their heads like the sword of Damocles.

6571. Are you aware that by the 20th section of the Act of 1865, the fishery districts may be altered from time to time by the Secretary of State?—Yes, I have noticed that; and I think that the whole matter might be remedied by altering the fishery district.

6572. Taking a great interest in the question, have you ever applied to the Home Office to redress the mischief you complain of by altering the district?—I wrote an account of that particular case in order to draw the attention of the Home Office to it at the time.

6573. To whom did you write?—I do not remember to whom the letter was addressed.

6574. Was that letter addressed to my right honourable friend the Under Secretary of State of the Home Department?—Yes, I think so.

6575. You received a reply from him, I am quite sure?—Yes, I received a reply to the effect that the matter had better be brought under the notice of this Committee.

6576. Then what do you suggest that this Committee should do more than the Act of 1865 already does?—My impression is, that the Act should be more explicit, that it is not intended to include the open sea-coast, so that the Home Office might more distinctly see what was intended by the Legislature; because the fact is, they have not excluded those districts.

6577. But have you ever formally applied to them, or is there any other person within the district who has ever applied to the Home Office to exclude any portion of that sea-coast?—No, I think not.

6578. I think that a communication which appeared in the well-known and valuable publication called "Land and Water," of the 10th July last, signed "T. M.," was from your pen?—Yes.

6579. It was headed "Injury to Sea Fishermen, Sailors, and Yachtsmen by the Salmon Fishery Act"?—That was pointing out matter in the Act, which seemed to be capable of producing annoyance.

6580. The remedy which you suggest is to exclude all coasts not in any river estuary from the operation of the Acts of Parliament?—Yes.

6581. Is there any other remedy that you desire to suggest?—None whatever.

6582. Mr. *Knatchbull-Hugessen.*] Have you got the letter which you received from the Home Office about this alteration?—I have not got it here.

6583. But the substance of it was, that the point that required alteration should be brought by you to the attention of this Committee, was it not?—Yes.

6584. Have you ever applied to the fishery board of your district on the subject, and placed your views before them?—No, I have not done so.

Mr. *T. L. Marriott.*

10 May 1870.

6585. Are you well acquainted with the habits of salmon?—No, I am not; my acquaintance is through books and theory, entirely.

6586. Do you know whether they do or do not feel their way along the coast until they come to the mouth of a river, so that they might be intercepted at any part of the coast?—I believe they are found on the coast when nature teaches them that they can get rid of certain inconveniences; I do not think they travel along the coast.

6587. You do not believe that they travel along the coast until they find the mouth of the river, but you think they come direct to the river from the sea?—I fancy that they know their way to their own river as well as I do.

6588. But if you were told by persons conversant with the habits of salmon that those habits led them to travel along the coast until they found the mouth of their river, would it not follow that unless you included a considerable quantity of the coast in your fishery district, salmon might be taken and destroyed to a very great extent?—It might be so in some cases, and there I think the laws might properly be extended; but I know, practically, that it is not so here.

6589. If it was so, all that amount of coast would properly belong to the district, would it not?—I think that should be within the discretion of the Home Office to decide.

6590. Do you think that the fishermen in the case which you represented to the Home Office were conscious that they were doing an illegal act or not?—I do not believe that they were at the time.

6591. You come here to represent the interest of those poor fishermen?—Yes.

6592. Can you tell the Committee at all the number of fishermen in that district?—With regard to the Llangan district, I cannot tell you the number. We know more about the number of boats.

6593. *Chairman.*] The Llangan men you consider salmon fishers proper?—Yes. But with regard to the Milford men, I do not suppose there are above a dozen boats there, and the Anglé men are about 20 or 30, or perhaps more.

6594. Mr. *Knatchbull-Hugessen.*] You know of no practical inconvenience, and of no interference with those fishermen?—Except the cases I have mentioned of those men, they were not fishing for salmon or sewen; it was only by chance they caught them, they were fishing for other fish.

6595. *Chairman.*] They were not convicted, were they?—No; they were not convicted.

6596. Mr. *Knatchbull-Hugessen.*] The fishing for other fish has not been interfered with?—Their fishing was interrupted, and they were put to great expense.

6597. If you admit that in some cases it may be necessary to include a large amount of coast water in a district, do you or do you not think that in your case it would be as well to consult the local authority of the district; that is to say, the Salmon Fishery Board, before you make an application to the Home Office?—I should have done so if I had supposed that mine was an isolated case. But it appears to me that there is supposed to be a general plan for including the whole of the coast; that is my sole reason for wishing to introduce the subject here.

6598. Practically, the result of that would, you think, be a very great hindrance to the c fishermen?—Yes, and that is my only reason

6599. Have you ever had any correspond with the fishery board on the subject?—No.

6600. You have no reason to suppose that t would take a view contrary to your own?— not at all with regard to that district, but al the coast of Cornwall there is a similar exten coast where there are no rivers.

6601. You would protect the mouth of salmon rivers, but you think (and that is y only complaint) that under the present much too wide a protection (at all events w than necessary) is given, which interferes w other people's trade?—I think that the balanc on the evil side, and where that is the cas think the district should not extend.

6602. Mr. *Hambro.*] Can you tell me w authority you have for saying it would be damage to the salmon fisheries if the provisi of the Act of Parliament did not extend to sea?—My ground is, from having fished the wh of the harbour and most of this coast outside which I refer, and I never knew a salmon caug in the harbour at all beyond Ware Point; there may have been some caught without knowledge.

6603. Can you prove that the Act has do any damage?—I have produced that one case the fishermen being put to great expense.

6604. But is it not the necessary consequen of passing a law that some persons must suf some inconvenience until they become acquaint with it?—Yes, no doubt; but that is a case unnecessary inconvenience, I think.

6605. If you do away with the salmon la in that part of the estuary, what is there to pr vent the erection of any quantity of stake ne or other fixed engines, for the purpose of catchi salmon?—I never heard of a stake net bei erected in the haven; I do not think that the are any grounds there where they could erected.

6606. You think that there are no sandy shor and places where you could fix them?—I nev saw one.

6607. Have you ever seen estuaries of rive and coasts where those stake nets have existe every few hundred yards all the way up?—Ye I have seen that on the Severn.

6608. If salmon were to increase considerabl and if the application of those Acts of Parliamen were done away with, what is to prevent an quantity of those stake nets being put there?—. it were found that the salmon fisheries were in terfered with practically, then the district ough to be extended.

6609. Your objection to the Act of Parliamen is not that it does any harm, but is rather a passiv objection, that it might do harm, I suppose?—I interferes with the laborious occupation where i is unnecessary; there were those five men wh had been nine hours in the water, and they cam home to sleep, and sent their wives to market they had their fish seized, and they were taken before the magistrates three or four times, and they had to travel all that way.

6610. But that kind of thing is not of daily occurrence; have the men been continually taken up every week, every month, or every year?—No; but still they might be.

6611. If stake nets were put up on the river you would advocate the provisions of the Act being extended to the estuary?—If the salmon fisheries

eries were really interfered with or injured, I ld advocate that.

612. About the seine nets which were used re; do not the men catch great quantities of lersized sea fish?—Not great quantities, but y are caught, no doubt; but they are let out nediately into the water; the net is never en out of the water entirely; they are emptied ere there is a ripple, and the small soles get ay.

613. The meshes are not more than half an h or a quarter of an inch, are they?—They e very small.

614. The fish are all tumbled up together in e bag, are they not?—They are not in the least ured.

615. You say that the fishermen take care to row the fish back again into the water, do you? -They take care to get away themselves.

616. Since the passing of this Act, can you ove that the sea coast fishermen have in any ay become poorer or less prosperous?—Yes, I ink so; I think that the Act would interfere with em.

617. But is it the fact that the Act has done ?—Yes; those men would not go out again to sh there, because they would say the produce of eir fishing might be seized.

618. But do the men suffer; are they poor? -Yes they do suffer, and they are very poor.

619. Mr. *Whitwell.*] Are you not aware that he Home Office has power to include, or not include the sea coast in a district?—I believe it as power to do so, but I do not think there is ny indication in the Act of Parliament to guide hem in the exercise of that power.

620. Do you propose, by any future legislaion, that the Home Office is to be precluded rom including the coast?—I think it would be esirable that the Act should be explicit to the xtent that no part of the coast should be included unless it were necessary for salmon shing.

621. But does not that power of selection or therwise depend on the Home Office at present? -It does depend on the Home Office at present; here is not a sufficient inducement to draw the ttention of the Home Office to the facts of the ase, because they are poor ignorant fishermen.

622. But if the Home Office is about to set ut a district, does it not advertise its intention? -Yes.

623. And is there not the power of appeal? -Yes.

624. Then in what way could the Act be ltered, do you think?—I think that the Act ight be made more explicit; those men are ere labourers, and they would never answer dvertisements or appeal to the Home Office if heir very livelihood were taken away from hem; there is no one to represent them.

625. But if evidence is given in favour of the oast being included, is it desirable to alter the aw with the view of excluding special parts of he coast?—I think those who carry the law out hould have the means of knowing the facts, nd at present they have not that means.

626. Mr. *Assheton.*] I think I understood you o say that some of the fishermen had to travel everal times to Haverfordwest in consequence f being charged with taking the salmon?—In onsequence of being charged with selling salmon, the sewen, or sea-trout.

627. Had those salmon been caught within the limits of the fishery district?—They were caught within the limits of the fishery district, but outside the harbour, in the open sea coast.

6628. But within the limits of the fishery district?—No doubt.

6629. I think I understood you to say that the magistrates did not eventually inflict any fines in those cases?—I am pretty sure they did not.

6630. *Chairman.*] You appeared for them, did you not?—Yes; I appeared for them three times, and I have had no further summons.

6631. Mr. *Assheton.*] Is it still your opinion that the fishermen have been hardly dealt with? —Not by the magistrates, certainly not; all I say is, that the law requires some alteration with regard to those fishermen in order to protect their interests.

6632. You think then that those men were not hardly dealt with by the magistrates?—No; I think that the magistrates dealt as leniently as possible with them, and I think they always would do the same.

6633. Were those men summoned for selling salmon in the close time?—Yes; it was just after the commencement of the close time; but if we could have proved that those salmon had been taken out of the district, they would not have been liable to any fine.

6634. Is that your reading of the law?—No doubt with regard to their case it was so; there is an express provision in the Act for that purpose.

6635. Are you a solicitor?—Yes; and the only way of defending those fishermen appeared to me to be to show that that part of the open coast had been improperly included in the district.

6636. Can you point out to me anything in the Act whereby a person may catch salmon out of a fishery district within the United Kingdom during the close time; I understand that that is the point you take?—Yes; if Freshwater Bay had not been included in this district they would not have been liable to a fine, because the fish was not out of condition; I have not got the Act of Parliament here.

6637. The 17th section of the Act of 1861 is the section to which I wish to draw your attention, will you read it?—I think it is the 19th section which I have in my mind. The 19th section says, "No person shall buy, sell, or expose for sale, or have in his possession for sale, any salmon between the 3rd day of September and the 2nd day of February following, and any person acting in contravention of this Act shall forfeit any fish so bought, sold, or exposed for sale, or in his possession for sale, and shall incur a penalty not exceeding 2 *l.* for each such fish; but this section shall not apply to any person buying, selling, or exposing for sale, or having in his possession for sale, salmon cured, pickled, or dried, or any fresh salmon caught beyond the limits of this Act."

6638. Then what are the limits of the Fishery Act?—I say that if Freshwater Bay had not been included within the limits of the fishery district those fish would have been caught beyond the limits.

6639. But the words of the Act are "Fishery Act" and not fishery district; have you observed that?—This, which I hold in my hand, is not the Act itself, but a paraphrase.

6640. Will you kindly look at the Queen's

Mr. *T. L Marriott.*

10 May 1870.

Printer's copy of the Act, which I now hand to you; will you look to section 2 of that Act?—I do not see any description of the limits in that.

6641. What harm would the cinders, which you have spoken of, do to the salmon?—There is a great deal of sulphur in them, they would poison any fish; oysters particularly.

6642. *Chairman.*] You think there is sulphur in the coals used by Her Majesty's steam vessels do you?—Yes, I think so, and grit; they smell very bad.

6643. I think, in answer to several questions put by honourable Members, you stated that you had no objection to the constitution of the fishery board in your district or to the way in which they have exercised their powers?—Not the least.

6644. I am desired to ask you whether, in your opinion, the fishermen of your district, as a class, are poorer or in worse circumstances than they were in before the year 1861; would you like to venture to express an opinion that they are in a worse position now than they were then; —No, perhaps there are fewer oysters; but not from the working of this Act of Parliament.

6645. Mr. *Hambro.*] I asked you a few minutes ago if they had suffered in any way or if they were poorer since the passing of the Act of Parliament?—I did not understand you to use the comparative expression; but they are poor. With regard to their suffering that I only know from what they state.

6646. *Chairman.*] However, your opinion is that the fishermen are not in a worse position as a class than they were before the passing of the Act of 1861?—No; except that they are liable to those interferences.

6647. They have never been interfered with in any case except one, when upon your representation to the magistrates they were not convicted?—Not within my knowledge; there may have been other cases.

6648. Do you desire to convey to the mind of the members of the Committee that there have been cases which you have not heard of?—No; certainly not.

6649. We may therefore take it that that is the only prosecution there has been in that district?—I cannot say that I know of any other.

6650. Is there any other gentleman of our profession in your district who devotes himself so assiduously to the interests of those poor people?—My suggestion would be that the fishermen themselves should be asked that question.

6651. But the Committee understood you to say that you come here to represent their interests?—I came here to call the attention of the Committee to the fact of the unnecessary extension of this district.

6652. And you have pointed out to the Committee all the grievances under which they labour?—Yes.

6653. And the only remedy that you can suggest?—The only remedy that I can suggest.

6654. Is there anything else that you wish to state to the Committee?—No; that is all.

Mr. David Lewis, called in; and Examined.

Mr. *D. Lewis.*

6655. *Chairman.*] Where do you reside?—I reside at Kedwelly Fach, in Carmarthen.

6656. What are you?—I am a fisherman.

6657. You have been a fisherman all your life, I presume?—Yes.

6658. Do you earn your living entirely by fishing?—No, not in the fence months.

6659. What do you do during the fence months?—I work at the Carmarthen station.

6660. You are in the service of the railway company, I suppose?—Yes.

6661. What portion of the year are you occupied in fishing?—About five months in the year.

6662. Do you fish with the coracle net?—Yes.

6663. Altogether?—Yes.

6664. Have you brought one with you?—There is one here; Mr. Harris has got it.

6665. Do you fish altogether in the Towey?—Yes.

6666. Will you just describe that coracle net to the Committee; how is it used?—We fish it down the stream; we have one coracle at each end—boats called coracles.

6667. There is a coracle at each end of the net?—There is a coracle at each end of the net, and when the fish come in we drag the net into the coracle; we do not land it at all.

6668. Mr. *Staveley Hill.*] Where does the fish get in?—In the front part.

6669. Through the big mesh?—Yes.

6670. Do you work the coracles upwards?—No; we let them float downwards.

6671. *Chairman* (to Mr. *Walpole*).] I believe that it is like the Dodd and Armour net, is it not Mr. Walpole?—Yes, it is on the same principle, no doubt, as that net.—— (*Witness.*) We often lose three fish before we can catch one, in those nets.

6672. *Chairman* (to the *Witness*).] The present open season is from the 1st of February to the 1st of September, is it not?—It is from the 15th of March in our district.

6673. Do you consider that it should be extended?—Yes, I think it ought to be extended to the last day of October.

6674. Do you think that you should be empowered to fish with that net until the end of October?—Yes.

6675. Would you alter the time when the fishing commenced?—No.

6676. You would still begin as early as you do now?—Yes; our fence time is six months and two weeks, which is very long.

6677. From the 1st of September to the 1st of February?—Yes to the 15th of March.

6678. But why have you the 15th of March?—That was the order of the Secretary of State, who extended it; it was an order by Sir George Grey.

6679. What is the size of the mesh of the net which you use; it is two inches, is it not?—Yes, two inches.

6680. From knot to knot?—From knot to knot.

6681. Do you approve of that, or do you think that it should be altered?—I think it should be altered in one part of the season.

6682. At what portion of the season?—From the 15th of June to the 15th of August.

6683. What size would you make it during that period?—An inch and a half from knot to knot.

6684. Why would you alter it?—Because there are no other fish in the river except sewen, or peel in our district; there are no salmon coming up until August.

6685. But

6685. But there are sewen or peel?—Yes, there e sewen or peel.

6686. Then during the remainder of the season would do as it is at present, would it?—Yes, st as it is at present.

6687. What part of the River Towey do you h in; is it in the estuary, or the upper part of e river?—From Carmarthen down to the tuary.

6688. Is that within the tidal limits?—Yes, it within the tidal limits.

6689. Altogether?—Altogether; but we fish metimes in the upper waters.

6690. In the fresh water?—In the fresh water.

6691. Do you fish there with the same descrip-on of net?—Yes, with the same net.

6692. Do you rent fishing there, or is there a ublic right of fishery?—Yes, a public right fishery.

6693 Does that extend from the tidal limits the sea in the River Towey?—Yes.

6694. There is no private fishing in the tidal ater?—No.

6695. Do you think that there should be any mit within which the draught nets should allowed to be used?—Yes, they come about o miles up the river to nearly the place where e river is 60 yards broad; they sweep the river ght down, and prevent the fish coming up.

6696. You think that there should be no netting yond the tidal limits?—The draught nets I ean, they should be restricted to a certain int in the estuary.

6697. But not to the extent of the tidal limits?—No, not to the extent of the tidal limits.

6698. They merely use the coracle nets above at. I suppose?—Just so.

6699. Do you know many of the members of ur Towey Fishery Board?—Yes.

6700. Is the constitution of that board gene-lly approved of in your district?—No.

6701. What complaints have you against it?—They have a hostile feeling always towards e fishermen; they want the fish to themselves, make sport of it.

6702. Do they take much by angling in the per part of the River Towey?—Yes; angling r kelts.

6703. They do not make sport of kelts, do ey?—Yes, they do.

6704. Do they catch many other fish in the per parts of the river?—No, not many.

6705. Do you get clean fish by your coracle ts?—Not many before April; we get some.

6706. But do you not think that the upper oprietors, who breed the fish for you and take re of these fish when they are young, should ve a fair share of them?—Decidedly.

6707. Do you think that they get more than eir fair share at present?—No.

6708. They do not get quite their share, per-ps?—I do not know about that.

6709. Then in what way do the members of e fishery board manifest their hostile feeling wards you?—In everything, so far as it can . They rose our license this year, when there as no necessity for it.

6710. How much did they increase the price your license?—Ten shillings each net.

6711. What did you pay?—£. 1. 10 *s.*

6712. And they have increased it to 2 *l.*?—es; they had 102 *l.* 17 *s.* 8 *d.* in hand when they creased the license.

6713. You think they might have done with *s.*?—I think they might have done with 1 *l.*

6714. Then it was increased from 1 *l.* to 30 *s.*, and not from 30 *s.* to 2 *l.*?—Yes.

6715. Did you appeal to the Home Office?—Yes.

6716. What was the result?—The Home Office confirmed the increase.

6717. They thought the increase was reasonable?—Yes.

6718. And you pay 30 *s.*?—We pay 30 *s.*

6719. How many men does it take to fish one of those nets?—Two.

6720 What is about the cost of the net and coracles?—About 3 *l.*

6721. For the whole thing?—Yes.

6722. You have one net and two coracles for 3 *l.*?—Yes.

6723. How many fish did you and your mate together take last season?—About 10 *l.* worth, in value.

6724. About how much in weight?—I cannot say.

6725. What do you get a pound for salmon?—From 1 *s.* to 8 *d.* per pound; salmon 1 *s.* and sewen 10 *d.*

6726. A shilling a pound is the maximum price, is it?—Yes, a shilling a pound is the maximum price.

6727. Did you take more fish last season than you did the year before?—No, we took a great deal less.

6728. What did you take in the previous year?—We took 12 *l.* or 15 *l.* worth of salmon between us.

9729. What did you take the year before that?—I do not remember.

6730. For how many years have you fished for salmon?—For 32 year.

6731. Do you obtain more fish than you did before the year 1861?—No.

6732. Do you get fewer fish?—Yes. I am sure enough of it, because we are prevented from taking salmon when it is coming into the river; the salmon do not run in our river until August.

6733. When was it that the close season began before the year 1861?—On the 1st of November.

6734. You fished under the old Act of Parliament up to the 1st of November?—Yes.

6735. How do you propose to improve your conservancy board?—I think we ought to have a voice in the board.

6736. You would have some of the fishermen represented on the board of conservancy?—Yes, the same as the board of guardians.

6737. How many votes do you think that the estuary fishermen should have?—One for each licensee.

6738. How many licensees are there in your estuary?—There are 14 nets, and four men working each net.

6739. You would give each of them a vote in the election of representatives?—Yes.

6740. I believe that last year 71 coracle net licenses were granted in your district?—Yes.

6741. That would be 142 votes?—Yes.

6742. Do you think that that would be reasonable?—Yes.

6743. There are 14 draught nets using three men each; would you give each of them a vote?—Yes.

6744. There are 69 gentlemen fishing with rod and line?—Yes.

6745. Should they have a vote also?—Yes, every licensee should have a vote.

6746. That would give 113 in the tidal waters,

Mr. *D. Lewis.*

10 May 1870.

and 69 in the upper waters; would you exclude the landowners altogether?—Oh, no.

6747. You would let them be represented?—Yes, because they breed the fish.

6748. Do you not think that they are your best friends very often?—Yes, very often they are.

6749. Now in what other manner have the fishery board acted in a hostile spirit towards you: is there anything else?—No, only carrying the Act out in too stringent a manner; they will not let us fish with a 3-inch mesh.

6750. They expect you to comply with the Act of Parliament?—Yes, we cannot get a living without a 3-inch mesh in the summer months.

6751. Do you think it unreasonable that the fishery board should ask you to comply with the law?—Yes, I think it is very unreasonable that they should ask us to do so, when it is an unjust law.

6752. The Committee are sitting here to inquire into that; in what respect do you think that the law is unjust?—We cannot get a living without an inch-and-a-half mesh on the Towey in the summer.

6753. But it is not the fault of your fishery board, that they do not let you fish with an illegal net?—No.

6754. You say that you wish to have a voice on the board?—Yes.

6755. And do you wish also, if any bye-laws are made, that you should have a voice in fixing them?—Yes, and to make a public inquiry at first before making bye-laws, because the board of conservators would make bye-laws all themselves otherwise.

6756. You do not like the present system of the board of conservators making bye-laws, leaving them to be confirmed by the Home Office?—No, not without making a public inquiry.

6757. You think that there should be a public inquiry?—Yes, there should be a public inquiry.

6758. If there were a public inquiry held in Carmarthen the fishermen would be able to attend and express their own views, would they?—Yes.

6759. You say that you think the number of salmon has decreased since the year 1861?—Yes, it has.

6760. About how much a year did you and your mate make before the year 1861?—I remember that we have made 20*l.*

6761. You had no license duty to pay at that time, had you?—No.

6762. Are the Committee to understand that the salmon fishery of the Towey is not more than half as valuable now as it was in 1861?—No, it is not.

6763. That is your opinion?—That is my opinion. There may be as much salmon, but if there is, we cannot catch them, because the river is close on the 1st September.

6764. What changes have been made since the year 1861, in your district with regard to the close time?—No change at all.

6765. Did you fish with the same size of mesh before the year 1861?—Yes; we fished with the same size of mesh before the year 1861.

6766. The only change is the alteration of the close time?—Yes, and the size of the mesh in the open season; it is a 4-inch mesh in the open season.

6767. But did you not use the 4-inch mesh before?—No; it was a 3-inch mesh that we use in the summer time.

6768. That is to say, before the year 1861?—Yes.

6769. You do not mean four inches roun from knot to knot?—No; two inches from kno to knot, we call it four inches.

6770. That is the same sized mesh that yo use now?—Yes.

6771. To what do you attribute the diminutio in the supply of fish in the Towey?—We attri bute it to the sea nets and draught nets comin too high up the river in dry weather.

6772. There are 14 of them, are there not?—Yes; they come up high into the river; the pay no respect to the clear water nor nothing they sweep the river down, and if once the fis are driven out, it is very seldom they com back.

6773. Were there any draught nets use before the year 1861?—Yes; but they did no use to come up so high.

6774. How many draught nets were ther before the year 1861?—There were about eigh down in the estuary.

6775. There were not so many as there ar now?—No.

6776. Then why is it that the draught net have increased and the coracle nets have dimi nished if the supply of salmon is so much less?—I remember the time when there was not on draught net, the first time I went to fish.

6777. How long is that ago?—That is abou 32 years ago.

6778. Is there any other cause, do you think, fo the diminution in the supply of the fish?—No.

6779. That is the only one?—Yes; those net sweep up every living thing before them.

6780. Do you not think that the manner i which they use those draught nets might be re gulated by bye-laws?—Yes; very well.

6781. I suppose that for a purpose of this kin those gentlemen who are so hostile to you woul have the same interest as you, the coracle men —Yes.

6782. You think that you might trust them o those points?—I think so.

6783. But how is it that they have not don it; have they the power?—No; they have n power now.

6784. Do you consider the Towey a late river —Yes, it is a late river.

6785. About what time do the first clean fis run?—About April.

6786. Have you begun fishing this year?—Yes.

6787. When did you begin?—About the 5t of April.

6788. How many fish have you caught?—Five sewen.

6789. Up to the present time?—Yes; not one salmon.

6790. What is the weight of those sewen?—Four-and-a-half pounds each.

6791. That is all this season?—That is all thi season.

6792. Have the draught men caught much?—No, they have not caught much yet.

6793. Have they caught any?—I do no know; they do not begin much until the end o May.

6794. Is there any other particular in respec of which, in your opinion, the law should b altered?—No.

6795. Mr

6795. Mr. *Knatchbull-Hugessen.*] Are you dependent on salmon fishing entirely for a livelihood?—Yes, in the open season.

6796. You have no other trade?—No, I am not employed on the railway now; I am only employed there occasionally.

6797. What wages do you get there?—Three shillings a day when I am working.

6798. Are most of the fishermen engaged in the fishing only, or do they generally have other trades as well?—They work here and there, and half of them are on the parish.

6799. How long were you in catching that 10 *l.* worth of fish?—All the summer.

6800. Did you go out every day?—Yes; I went out every night.

6801. You went to work in the day besides, I suppose?—No.

6802. All you want with regard to the fishery board is that you should have a security that your interests were fairly represented on it?—Yes.

6803. You would not object to any plan that gave other people votes so long as you had a fair representation?—No.

6804. Should you be satisfied if you had a certain fair proportion of your body represented on the board to let them have the power of making bye-laws for the size of the mesh and the close time?—Just so.

6805. That is all you want?—That is all we want.

6806. Was it last year that you obtained so much less salmon than you did the year before?—Yes.

6807. Was it a peculiar season in any way?—It was a very dry season, the same as the year before.

6808. Was there not a general complaint that there was less salmon caught everywhere?—Yes, I think there was.

6809. Mr. *Herbert.*] Do you wish the Committee to understand that the kelts are generally killed on your river by rod fishermen?—No, not all of them; but a great many of them were caught by rod fishermen.

6810. And you stated that kelts, after spawning, were killed in the upper part of the river?—Yes, they are killed too.

6811. By whom are they killed?—Sometimes by the fishermen; a great many are killed by rod and line.

6812. Do you not call a man who uses a rod, a fisherman?—No, I call him an angler.

6813. What do they do with the kelts when they kill them?—They sell them.

6814. Then it is generally the practice in your river?—Yes, that is the practice with the gentlemen in the upper waters, and with the fishermen and anglers.

6815. But do they use a gaff, with a hook, on your river?—Yes, sometimes.

6816. Do they not use them when they catch the kelts, and hook them up with a gaff, like common salmon?—Yes.

6817. Would it not be very useless to return that fish into the water after having hooked it?—Yes, it would be useless to return the fish to the water, because he would be sure to die.

6818. It would be a very good plan to prohibit the use of the gaff during the time that the kelts are in the water, would it?—Yes.

6819. Mr. *Evan Richards.*] The Towey is a sewen river, is it not?—Yes, it is a sewen river in the summer months.

6820. It is known in the district as a sewen river?—It is known in the district as a sewen river.

6821. Do you think that if the fishermen who make a living by fishing had some voice in the board of conservators it would tend to their acting in a great measure as watchers of the river?—Yes; they would be thinking that they were fairly represented on the board, and then they would watch their own interests.

6822. During the last three years there has been considerable dissatisfaction among the fishermen, has there not?—Yes.

6823. Do you think that the upper river men have more opportunity of catching fish now than is fairly due to them?—No, I do not think there is more opportunity.

6824. Then are the fish caught by rod and line, after the close time is ended, clean fish generally?—Yes, they are clean fish in September.

6825. Are there clean fish usually in October?—Yes.

6826. Do you think, apart from the question of increasing the fish by diminishing the close time, that the quality of the fish would be equally good in September and October as it is in August?—Yes, exactly as good as it would be any time in our river; the salmon do not enter our river at all until the month of August, except one now and then, just a chance fish.

6827. Have you any idea of the value of the Towey as a salmon river?—If we take our average last year it was about 10 *l.* for each net.

6828. How many nets are there?—There are 71 nets.

6829. That would make 700 *l.* in the district, would it not?—Yes, that would make 700 *l.* in the district.

6830. Mr. *Hambro*] Are any of your coracle nets longer than others?—No, they are all the same length.

6831. Do you wish the Committee to understand that the leads which you have on that net are the leads which you fish with?—Yes.

6832. Do you not use heavier ones?—We use smaller ones sometimes.

6833. Mr. *Whitwell.*] You have stated that you obtained 10 *l.* worth of fish last year?—Yes, me and my partner.

6834. And no more?—And no more.

6835. In the winter you get 3 *s.* a day when working?—Yes.

6836. What could you have made in the summer?—I do not work much in the summer.

6837. But what could you have earned?—Twelve shillings a week in the summer where I am working now; but there is no work there much in the summer.

6838. You only earned 5 *l.* yourself last summer?—Yes; that is what I earned last summer.

6839. That is 100 shillings?—Yes.

6840. For how many weeks were you working?—For about five months.

6841. That is to say about 20 weeks?—Yes.

6842. You only earn something like 5 *s.* a week in fishing?—Yes; we used to think that it would be a good haul next time.

6843. You followed a pursuit which brought you in 5 *s.* a week, instead of another pursuit which brought you in 12 *s.* a week?—Yes; but I think I will not do it this summer.

Mr. THOMAS HARRIS, called in; and Examined.

Mr. *T. Harris.*
10 May 1870.

6844. *Chairman.*] WHERE do you reside?—at Llechryd.

6845. Where is that?—In the county of Cardigan, on the banks of the River Teify.

6846. Do the Towey and the Teify unite?—I believe that they start from the same mountain, but they are very different rivers afterwards.

6847. Are they both in the same fishery district?—No; the Teify and the Ayron is the name of my district.

6848. The other river which we have just heard of, is on the south side, is it not?—Just so.

6849. Are you well acquainted with the views and feelings of the fishermen on the banks of the Teify?—Yes, I am perfectly acquainted with their views.

6850. Have you a considerable number of fishermen in that locality?—Yes; there are a considerable number there.

6851. What is the name of your town?—Cardigan.

6852. How far are you from Cardigan?—Three miles from Cardigan.

6853. You say that there are a considerable number of fishermen in the neighbourhood?—Yes; there are 10 nets in our village.

6854. Are the fishermen of whom you speak employed entirely in fishing?—No; there are but very few who are entirely dependent upon fishing.

6855. They are merely employed in salmon fishing during the fishery season, I suppose?—They are labourers principally earning from 7 *s.* to 8 *s.* a week, and after their day's labour is over they go out fishing a little to enable them to make both ends meet.

6856. Those men use the coracle nets, do they not?—Yes, exclusively the coracle net.

6857. Is it the fact that 29 licenses have been taken out during the last year in that district?—Yes, that would be about the number.

6858. That includes your village and other places, perhaps?—Yes; that includes our village and other places.

6859. Then where are the draught nets?—At the mouth of the river; at St. Dogmells, in Pembrokeshire.

6860. The same river, but in the estuary?—Yes; the same river but in the estuary.

6861. With regard to the portion that you know so well, is it within the tidal limits?—Partly within the tidal limits and partly above.

6862. And the coracle nets are used both in the fresh and tidal waters?—Yes.

6863. Somewhat in the manner described by the last witness?—Just so.

6864. Are the present fishery laws a subject of complaint on the part of your neighbours?—Very much so.

6865. Is one great ground of complaint the circumstance that the fishery season closes on the 1st of September?—Yes; they are deprived of two of their very best months.

6866. Do you consider the Teify a late river?—It is rather late.

6867. At what time do the fish begin to run in it?—About the month of November; that is to say, they run up to spawn.

6868. What extension of time do they ask for?—Up to the 1st of November.

6869. They ask that they should be allowed to fish with the coracle nets up to the 1st of November?—Yes.

6870. Do you propose any limitation in the early part of the season?—No; they are content with that.

6871. They would ask to have it from the 1st of February, as it is now?—Yes.

6872. I believe that the close time has not been altered in your district?—No; not at all.

6873. It is just as the Act fixes it?—Just so.

6874. Is the weekly close time satisfactory to your neighbours?—Not at all.

6875. What do they wish the Committee to do with regard to that?—They would be satisfied, I believe, if during Saturday they were allowed to fish up to nine o'clock; they generally go out on Saturday evening to catch some kind of fish for Sunday.

6876. I hope they are not dependent for their Sunday's dinner upon the produce of that day?—I fear they are.

6877. Of course, during the very dry season there is no fishing at all?—No; there are 10 nets there this year, and they have commenced fishing since the 1st of February, but until yesterday morning they had only caught 21 fish between them.

6878. What was about the average size of the fish?—About 10 or 12 lbs.

6879. What price do they get for fish of that kind?—It is now 1 *s.* 1 *d.* a pound, I believe.

6880. Are you acquainted with any of the members of your board of conservators?—I am acquainted with a few of them; but they have a liking for electing all the strangers that come into the neighbourhood as members of the board.

6881. Do you mean in preference to persons who are well acquainted with the districts?—Yes.

6882. I suppose the fishermen are not directly represented on the board?—No; they have not a single representative on the board.

6883. In that respect do you think that the constitution of the board should be altered?—Yes, certainly.

6884. What do you suggest that the constitution of the board should be in future?—That every man who takes out a license should have a vote in the election of the members.

6885. Have you at all formed in your own mind a scheme for your district that you think would work satisfactorily. I mean with regard to the number that should be elected on the board?—No, I leave it to the judgment of Parliament to specify the number.

6886. But we are now inquiring for the purpose of gaining information to enable us to make a recommendation to Parliament?—I have not gone into that subject.

6887. So long as they are represented you do not think it necessary that they should have a majority?—No, my principle would be to give a vote to each licensee, and to have the election conducted something as we elect the board of guardians. The person with the highest number of votes would be our representative.

6888. Have the fishermen had up to the present time any grounds of complaint against the fishery board?—Yes, they have had very great grounds of complaint against the fishery board.

6889. What has been the character of the complaints

plaints that have been made?—In the year 7, I believe arrangements were made between fishermen and the board of conservators, that license should be only 10 *s.* 6 *d.* per coracle , and that the money should be paid by in- lments, and an account given to the fishermen the manner in which the money was expended, all these agreements were violated by the servators as soon as they could legally do

6890. They entered into an agreement that y would accept the money by instalments?— s

6891. Did they insist upon those payments in ump sum?—Yes; but that year the 10 *s.* 6 *d.* s to be paid by four instalments, and I, on the rt of the district in which I reside, undertook to nish the money at the proper time.

6892. You say that that arrangement was broken rough, do you?—Yes, it was broken through, d the members who were parties to that arrange- nt were expelled, or induced to give up their mbership.

6893. The members of the board, you mean? Yes; the members of the board.

6894. How were they expelled; the boards e appointed by the courts of quarter sessions; suppose you know that?—I know that; but it virtually done by the board of conservators; e quarter sessions appoint persons nominated some members of the board of conservators.

6895. And when anyone took the part of the hermen they were expelled from the board, is at what you mean?—Yes; all that were on the ard then as elected members are not on the ard now.

6896. Do you agree with the last witness, with gard to the objection to the size of the mesh of e nets used there?—Yes; during the months of ne and July there are a great number of sewins at enter the river, but, of course, are not caught ving to the large size of the mesh.

6897. What size of mesh is desired by the racle fishermen?—An inch and a half would swer all purposes.

6898. And that during only a portion of the ear?—Yes; the size of the mesh is very much gulated by the size of the water in the river; ring high water a small mesh will not answer e purpose, it will not fish properly without an tra amount of lead to it.

6899. That is from the peculiar form of the racle net, is it not?—Just so.

6900. But the present law does not permit y distinction of that kind to be drawn?— one.

6901. What is the average weight of sewen? -The average is about ¾ lb. or 1 lb. weight.

6902. Do you think that the mesh of the net ould be altered so that those fish could be taken hen they are that size?—Yes, just so.

6903. You mentioned something with regard the expenditure of money by the board of nservators; what did you mean?—I think it ould tend to give great satisfaction were the eople informed of the manner in which their oney is expended.

6904. What would you suggest as a remedy r that?—I would suggest that the accounts ould be published in some form or other.

6905. In the newspapers, perhaps?—Yes.

6906. Are you aware that they are examined ow at the court of quarter sessions?—Yes; ue they have to be audited by the court of quarter sessions, but for all practical purposes, they might as well be examined in France.

6907. Why do you think so?—Because it is 22 miles from the fishery district, and we hear nothing of them when so audited, because they are not published.

6908. You think that the result should be advertised in the newspaper?—Yes.

6909. But have you any reason to doubt the proper expenditure of the money?—Yes, I have; I question very much the propriety of paying water bailiffs throughout the year; if they were only put on during the close months, and there were some added to their number, it would be more efficient than the present system, and the river would be better preserved.

6910. During what period would you continue them?—During the three winter months.

6911. That is the time when the fish are going up to spawn, and when an immense destruction takes place on the spawning beds?—Yes, and that is the time when they require watching.

6912. According to your suggestion, during the fishing season you would have no one to look after the men using the nets?—I see no necessity for it.

6913. But illegal nets are used very often, are they not?—Yes, illegal nets are very often used. But I would pass some stringent enactment to make it dangerous to use illegal nets, so as to put them down.

6914. Had you, last year, as many as 32 persons convicted in your district in various penalties, from 1 *l.* to 10 *l.*?—I cannot speak to the number, but a great many were convicted.

6915. In some cases were the fines paid?—In some cases the fines were paid, and in other cases the men went to gaol.

6916. I suppose that those offences were committed during the fishing season?—I do not remember exactly; but I believe some were caught during the close months.

6917. But they were principally offences committed during the fishing season were they not? —Yes.

6918. Is that the time when you would discontinue the services of water-bailiffs?—Last year, because of the advance made in the licenses people were unable to obtain them, they ran the risk of being caught.

6919. The persons convicted were principally persons who had not taken out a license, were they not?—Yes.

6920. Does not that again show the necessity for having watchers then?—No, I believe that the fishermen who do take out licenses would certainly take care that others were not allowed to fish without them.

6921. You think they would watch in their own interests?—Yes, I think so.

6922. During the previous year, when the licenses for the coracle nets were 10 *s.* 6 *d.* each, had you as many as 25 persons convicted of different offences?—Of course I cannot speak exactly as to the number.

6923. But that appears in the Report presented to the House of Commons, and I daresay it is correct?—I believe that the majority of those convictions were for using illegal nets.

6924. Does not that again show the necessity for having watchers during the time that the nets are being used?—No, there is at present general discontent throughout the villages about the amount of the license duty and they are not so particular

Mr. *T. Harris.* — — 10 May 1870.

particular now as they would be if something like a reasonable amount of license duty were to be imposed and proper close months fixed.

6925. Have you known the district for a long period?—Yes.

6926. Are you a native of the place?—Yes, I am a native.

6927. So long back as you can remember, was there much salmon fishing in the river?—Very much, years ago.

6928. Coracle net fishing?—Yes.

6929. As much as there is now?—Much more.

6930. Did that fishing continue to increase up to the year 1861?—No, I cannot say that; but for many years now it has decreased. I rather think that it began to decrease before 1861.

6931. And since 1861 has the decrease been continuous, do you think?—Yes; last year was perhaps an exception to the rule.

6932. Was that on account of the dry weather?—I cannot say.

6933. But apart from that, is it your opinion that the supply of salmon in the river is less than it was before the year 1861?—Much less.

6934. To what cause do you attribute that diminution?—I do not know whether the mineral works above the fishery district interfere with the fish or not; I rather think they do.

6935. Can you assign any other cause for that diminution?—No, I cannot; it may be that the tide has been shut out from the river more than formerly.

6936. How is that?—By the débris from the slate quarries.

6937. You think that that may have some injurious effect upon the fish?—Yes, I rather think it has, to a certain degree.

6938. I see, in the year 1868, when the coracle nets were only charged 10 *s.* 6 *d.* each, 21 persons were brought before the magistrates for fishing without a license?—I cannot say with regard to the number.

6939. They did not complain of the 10 *s.* 6 *d.* for the coracle nets, did they?—Yes; many were too poor to pay for it even then; I paid for several at that time, and I have not been repaid since.

6940. It appears that last year there were 16 prosecutions for fishing during the close season?—There were many villages excluded altogether last year, owing to the high price of licenses; at one of them there were but three licenses taken out, I believe.

6941. Have you any fixed engines upon the Teify?—A great many.

6942. What kind of fixed engines are they?—They are made stationary; they are placed in the water by hundreds, and left there.

6943. What kind of nets are those?—They are long nets.

6944. What do you call them?—Standing or setting nets.

6945. How are they fixed?—They are fixed to the soil.

6946. By what means are they fixed?—Either by a branch or by a stone.

6947. Do you mean a branch of a tree?—Yes; there is a piece of stick just fixed in the soil.

6948. Are all those nets set in the tidal water?—Yes, in the tidal water.

6949. And they are anchored by means of a stone or the branch of a tree?—Just so; or made stationary by the lead placed at their bottoms, with corks at the top to hold them up.

6950. By whom are those nets set?—They a used by the people of Cilgerran.

6951. Are they the persons who have licens for draught nets?—No, not for draught net some have coracle licenses.

6952. You think that those nets and engin should be prohibited, do you not?—Yes, I thin so.

6953. Mr. *Knatchbull-Hugessen.*] Is their u in your opinion very injurious to the river?— renders it almost impossible for salmon to pass u the river.

6954. *Chairman.*] My attention has been calle to the case of a man who was summoned for usin a net of that kind; do you know that case?—Ye

6955. It was held that the net was not a fixe net, was it not?—It was held that it was not fixed net.

6956. Do you think that the law should l altered so as to make that kind of fixed engi illegal?—Yes, decidedly.

6957. Are those nets used by any considerab number of persons at present?—Yes, one pers possesses 60, 70, or even more.

6958. Where are they placed?—They a placed in still water.

6959. Above the tidal water?—No; in th tidal water.

6960. In the estuary?—In the estuary.

6961. And they continue to be used, do they —Yes they continue to be used; they are mo numerous this year than ever.

6962. What license do they pay?—None all.

6963. Now with regard to the price paid f the coracle nets; do you think that it is too hig a price?—My opinion is, that it is exorbitant i our case.

6964. Do you think that there should be sliding scale for licenses of that description a plicable to different portions of the river, or shoul there be one uniform charge throughout the di trict?—No; I think the scale should be regu lated according to the opportunities for catchin salmon.

6965. That is to say, that there should be sliding scale?—Yes; for the inhabitants of th upper villages have not the same chance as th others.

6966. You think there should be a highe price charged in the lower waters, and a lowe charge in the upper waters, do you not?—Jus so.

6967. Would you give the power to regulat the charge to the conservancy board, assumin that it was properly constituted?—Yes, I would

6968. If the fishermen were properly repre sented on the board, you think the board shoul have the power to make the necessary regula tions?—I think so.

6969. Would you propose to have an ope court in the neighbourhood to consider those re gulations before they came into operation, o would you leave them to the central authority i London?—An open court would be more satis factory.

6970. An inquiry on the spot?—Yes.

6971. Nothing to be decided until after tha inquiry was concluded?—Nothing to be decide until after that inquiry was concluded.

6972. That at all events would be more satis factory, I suppose, whatever decision was arrive at?—Yes; of course, that would have a tendency to conciliate the people.

6973. D

73. Do you consider that the young of salmon, on peel for instance, require more protection our river?—Yes; I certainly do.

974. In what respect would you say that that l be carried out?—I would prohibit angling ng the months of April and May.

975. You may not angle for salmon peel now, you?—I know it is illegal, but I would pro- t it altogether.

976. You would prohibit angling for trout? es.

977. And that you think would afford ade- te protection for the young salmon?—Yes; are now killed wholesale.

978. By persons who profess to be fishing for it, I suppose?—Yes.

979. It is in practice very difficult to detect n, is it not?—Yes; it is impossible to detect m.

980. If power were given to water bailiffs to ch baskets, that would do some good, would ot?—It depends on the character of the water- iff; for it requires a very experienced fisher- n to tell the difference between salmon peel trout.

981. But it is possible to get people who derstand their duty, is it not?—I do not know; ple do not like the idea of being common in- mants.

982. What wages do they give the water- liffs?—£. 1 a week, I believe.

983. And working men are earning 8 *s.* a ek?—Yes.

984. They prefer earning 8 *s.* a week in other our to taking 20 *s.* a week as water-bailiffs, they?—Yes; they consider it so much more pectable.

985. Mr. *Herbert.*] Do you consider it fair t the upper proprietors should have a fair ount of fish for sport?—Yes, certainly.

986. Do you think that the upper proprietors uld obtain a proper amount of fish supposing ur suggestion was followed, namely, that you uld fish from the 1st of February to the 1st November, and also that you should reduce weekly close time?—I believe so; I believe t the floods would secure them a reasonable antity.

987. In fact the upper proprietors must rest isfied with an occasional flood now and then? Not merely floods, but good freshes.

988. They must rest contented with the ount of water that may or may not come, as case may be?—Yes.

989. You spoke just now with regard to the ter bailiffs being taken off during the summer nths?—Yes.

990. Should you be surprised if I told you at in many districts that I know the upper pro- ietors have been compelled in self-defence to point a special bailiff to do nothing but watch fishermen's nets at the mouth of the estuaries rivers?—No, I should not be surprised at all.

991. Then if you think there is no necessity it, why should the men be appointed?—I do t know what may be the practice in those ighbourhoods that you refer to, but in ours we ve gamekeepers and every kind of officers, who otect the properties and the river that runs be- een them.

992. But the gamekeepers have nothing to do th the river, have they?—They do look after it.

993. In fact, there are already bailiffs on those ates, and you think it is not necessary to have special water bailiffs to look after the fisheries?—Not during the open months.

6994. Mr. *Lowther.*] Did the board of conservators give any reasons for breaking through the agreement that you stated that they had made?—No; they did not give any reasons whatever.

6995. Were they asked for any?—Yes; petitions were sent in, but they were disregarded.

6996. I did not quite clearly understand what you said about some members being expelled from the board; how were they so expelled?—They were not suggested, I suppose, at the court of quarter sessions.

6997. You were not on the board, I suppose?—Never.

6998. And you never had anything to do with it, I presume?—Never.

6999. In the case of those poachers who are convicted, do they ever afterwards take out a license?—Yes.

7000. Do you think it right that they should be allowed to take out a license?—For the first offence I should let them do it.

7001. But for the second one would you let them take out a license?—Yes; but for the third or fourth offence I would not.

7002. How many licenses for coracle nets were taken out last year?—I do not remember, but it is in the Report before the Committee.

7003. What did they cost last year?—£. 2. each; they were less by some 130 the year before, but now I believe there is an increase this year, owing to the supposition that this Committee would alter the law and make it better.

7004. But the cost of taking out a license last year was 2 *l.*, was it not?—Yes.

7005. And the year before it was how much?—10 *s.* 6 *d.*

7006. *Chairman.*] Do I understand you to say that the fishermen hope that this Committee will improve the fishing this year?—They are in hopes at least that the Committee will improve the fishery laws; they expected it even in the month of February last.

7007. I understood you to say that you did not know how many licenses had been taken out this year already?—No.

7008. But it is a larger number than last year?—Yes.

7009. Not so many as in 1868?—No; I think not; I may inform the Committee that the fishermen were assisted this year and last year with funds to do so.

7010. You and others assisted them?—Yes; we assisted them.

7011. Mr. *Evan Richards.*] Did I understand you to convey the meaning that, assuming the conservancy board were established to the satisfaction of the fishermen themselves, they would be sufficiently alive to their own interests to take care that illegal nets were not used in the open season?—I believe it would tend in that direction.

7012. With regard to the convictions that took place last year, is it not the fact that there was some misapprehension as to the necessity for the payment of an increased license in the early part of the season?—Yes, there was.

7013. There was some question with regard to whether the bye-laws had been sanctioned by the Home Office or not, was there not?—Just so.

7014. And some of the fishermen, in your

Mr. T. Harris. 10 May 1870.

opinion, fished under the idea that a license was not necessary?—Yes, just so.

7015. What do you consider the average earnings of a fisherman would be in the season?—They would average from 10 *l.* to 12 *l.*, I suppose.

7016. *Chairman.*] Do you mean per man?—No, per net.

7017. Mr. *Evan Richards.*] That is the earnings of two men?—Yes, the earnings of two men.

7018. Would you suggest to the Committee that the fixed nets to which you have referred should be licensed, or that they should be altogether abolished in future legislation?—I do not think that it is a fair way of catching the salmon.

7019. You think that it should be made illegal?—Yes; I would make illegal those nets that are of the nature of fixed engines.

7020. Is there any obstruction now on the Teify which prevents the fish going up the river?—I believe that there are some obstructions.

7021. You are familiar with the obstruction at Kenarth, I suppose?—Yes, I am.

7022. Do you think that in future compulsory powers should be given to the board of conservators in some way to make a pass or remove that obstruction?—There is a legal difficulty I believe there, as the removal of that obstruction would interfere with the right of ownership.

7023. But do you think that it is of such importance to the breed of salmon, that Parliament should give the necessary legal powers to remove that difficulty?—It would be only fair, I think.

7024. But would it be desirable?—I think so; I believe that rather more is made of that obstruction than it really is.

7025. You do not concur in the opinion, then, that that obstruction tends very materially to injure the spawning beds?—Not to the extent represented.

7026. Would you suggest that legislative powers should be given to prevent the silting up of the rivers from the slate quarries and mineral works?—There is that power already.

7027. But would you give additional powers for that purpose?—We have sufficient power against mineral works already, I think.

7028. And the slate quarries?—The only remedy there would be to clear up the river; there is no fresh rubbish there.

7029. They are old quarries?—Yes, they are old quarries. The great floods of 1861 or 1862 carried away a certain amount of debris, and filled up certain channels.

7030. Earl *Percy.*] With regard to those members of the conservancy board who made this arrangement with the fishermen, do you know whether they were authorised by the board to make that agreement?—A meeting of the conservators was called at which a deputation from the fishermen was agreed upon by a certain number of the board, and at that very board to which the deputation had been invited a division to place as to whether the deputation should be received or not. The majority of the board decided that the deputation should be received, and the other members who were opposed to it retired.

7031. And the deputation made this agreement?—Yes.

7032. *Chairman.*] Do I understand you to say that you think there are sufficient powers in the existing Acts of Parliament to prevent pollutions?—I have not looked carefully into that, but that is my impression.

7033. Where is this Kenarth obstruction?—It is at the end of the fishery district, about miles from the sea, I should say.

7034. Are the fish that are caught in the river principally caught below that weir?—Yes.

7035. But is it a dam of some kind, or is it a natural obstruction?—It is a rock.

7036. Is there a mill connected with it?—Yes, there is a mill connected with it, and there is a hedge right across the river so as to turn a certain amount of water into the mill.

7037. Is it a dam?—Yes, a dam.

7038. Your opinion is, that that might be altered so as very much to improve the fishery, is it not?—There is no question about it.

7039. But the expense would be very considerable, I suppose?—I think it would. But if there were a passage cleared there, there would be another obstruction a little above.

7040. Have any attempts been made to overcome that obstruction?—Yes, a great many attempts have been made to overcome that obstruction.

7041. Which have not succeeded. Does not the owner object to its being interfered with?—Yes, the owner on the Cardiganshire side objects to its being interfered with.

7042. But if it could be shown that very much greater advantage would result to the fishery than the damage to him, would it, in your opinion, be unreasonable that Parliament should give compulsory powers in that case?—I do not think that the advantage could be proved to him, for he rents that part of the river to a fisherman, and he resides 60 or 70 miles from there, and probably then is indifferent to the interests of the river.

7043. The fishery is below the dam?—Yes.

7044. And you think that they get a good many fish there?—Yes.

7045. He is interested in keeping up the obstruction in order to net the salmon below the dam, is he?—I do not think the landlord would like to give up his right there.

7046. On account of the fishery, I suppose you mean?—Just so.

7047. Is there anything else that you wish to bring before the Committee?—I think not, but power should be given to the boards of conservators to limit as well as to "vary and extend" the fishing season.

Mr. Richard Cail, called in; and Examined.

Mr R. Cail.

7048. *Chairman.*] You are a civil engineer, I believe?—Yes.

7049. And reside at Newcastle-on-Tyne?—I do.

7050. I understand that you are anxious to give evidence before this Committtee?—I am.

7051. I believe that you have been 38 years in practice as a civil engineer?—Yes.

7052. Have you been very largely employed both as contractor and engineer, upon public works of various descriptions?—Yes.

7053. Principally in the north of England, I believe?—Yes.

7054. Have

7054. Have you carried out many large works ; I built many mill-dams in the course of your perience?—Yes.

7055. One in particular at Warden-on-the- ne?—Yes; that is one of the largest mill- ms that I know of.

7056. You have had large experience in idges and quays, have you not?—Yes, I have d experience in building a great number of idges and quays, &c.

7057. I believe that your attention has been rticularly drawn to the subject of mill-dams, cause, I think, you were consulted by the wner of the Dinsdale Dam with regard to the ss on that river?—Yes.

7058. Have you read the evidence given be- re this Committee and the Committee which t last Session?—Yes, I have read the evidence last Session.

7059. Have you read the evidence of Mr. Pa- rson and Professor Rankine?—Yes.

7060. Particularly with regard to the effect of notch or aperture in the dam on the milling ower?—Yes.

7061. Do you concur in the general tenor of heir evidence, and the practicability of carrying ut their plans?—Yes, I do.

7062. In conducting water from a high to a ow level with a moderate velocity, I suppose here is no other practical mode but a ladder on he pool principle?—Yes, just so; the law is xed which regulates the flow of water from high to a low level; the only plan to make t easy for the fish to be taken from a lower level o a higher level is by a series of pools or stages; ou might almost compare it to a staircase. If it s quite easy to make the fish go into a pool one oot high, it is only by a repetition of that pro- ess that you can make the fish surmount any eight. I have no hesitation in saying that I an make fish go up any reasonable height, and vithout fatigue to many fish.

7063. You have very specially studied the Dinsdale case, have you not?—Yes, particu- arly.

7064. Have you carefully surveyed every part of that dam?—Yes, I have carefully surveyed very part of it, and have all the measurements as it was and is at present.

7065. You did that at the instance of the owner, Mr. Surtees, I believe?—Yes.

7066. Have you watched the fish at that point with a special regard to perfecting a pass that would take them from the lower to the upper ide of the dam?—Yes, I have watched them for days, and I have given special attention to that particular point.

7067. Perhaps you agree with the witnesses who have been called before the Committee, that rom some cause that is not a successful pass?—No, it is not a success.

7068. I believe that that pass was constructed under your supervision?—I can hardly say that it was constructed under my supervision, it was only very partially so.

7069. There were a great many cooks in the matter, were there not?—Yes, far too many.

7070. You think that the old adage was per- haps illustrated?—Yes; but, independently of hat, I am quite willing to confess that I had not mastered the subject at that time, and I had seen no one else who understood it, therefore I did not feel that I could positively state what ought o be done as I can now.

7071. You understand the subject better now than you did then, you think?—I am quite certain now that I understand it thoroughly.

7072. I do not wish to go into the question of who was to blame; you understand that?—No, the less said about it the better.

7073. Have you now prepared a plan which, from your further experience, you believe would be entirely successful?—Yes. I prepared a plan, a specification, in 1868.

7074. Have you got that plan with you?—Yes, I have the plan with me (*producing a plan*).

7075. Has this plan been specially prepared with regard to the Dinsdale Dam, and is it also of general application?—Yes, and this model (*producing a model*) explains the general principle; but I have had a model specially made of Dinsdale, though it is not here; if I had known that I was to be examined on it I should have brought it with me. I have a model, on a large scale, of Dinsdale, and it has been frequently tried with water, that parties could better judge of its action for themselves.

7076. At Dinsdale you mean?—The first time it was tried at Ravensworth, at a stream on Lord Ravensworth's grounds. The Commissioners came down from London to see it, and I afterwards sent it on to Dinsdale, and it was tried several times at small runner there.

7077. Would you be kind enough to describe to the Committee, very briefly, the action of the pass which you propose?—Yes; this model shows a straight perpendicular weir, 12 feet 6 inches high above the low-water level of the river. The water is shown as coming over the weir. At the back next to the dam is shown an aperture by which the water is let in to feed the pass. This aperture is placed below the summer level of the river, so that it ensures a constant and nearly regular supply of water for the pass. The only difference in the quantity of water is when there is a flood, and then the pressure and quantity is greater at the feed aperture. The water coming into the first pool is in greater quantity than can pass through the first or lower opening, it therefore fills this pool, and comes over the edge of it. The next pool is filled in the same way, and there is always more water than can go through the openings, and so it fills the next pool, and so on until it comes to the bottom. Three are openings at the bottom, and at the front, and at the side into the first pool, and the water that comes down being more than can flow out of these openings it comes over the top into the river on each side. This kind of pass can be placed in a situation (which is important) where the fish congregate, and the fish finding the openings with the water coming out, will swim through the lower openings without leaping at all, and when they are in the pool, the water being comparatively quiet, they remain or they can swim through the next one, and so on to the top. The heavy fish can swim without once leaping. Whatever the height may be, they can swim through those openings to the top of the pass. You will see that the pressure is never great, because it is only equal to the small difference in the level of from 9 to 14 inches between one pool and the next pool, therefore there is no pressure to prevent the salmon from going through those openings; in fact, it is exactly similar to the application of stairs to a house. In the rudest ages of society, people did not avail themselves of such a luxury, and this plan is exactly on

Mr. *R. Cail.*

10 May 1870.

a similar principle, but adapted for the nature and habits of fish.

7078. You say that that is a model of a pass which has been in operation experimentally at Ravensworth Castle and elsewhere?—Yes: the principle is the same; the large model which I have is an exact model of the old Dinsdale dam, and I will hand in the specification and report upon it (*handing it in*, vide *Appendix*).

7079. When was that plan prepared?—In the year 1868.

7080. At the same time as the report was prepared?—Yes, at the same time as I prepared the report which accompanied this plan; I cannot see the slightest difficulty now in taking the fish up, without any labour to themselves, to any height by the old system of former passes, with the straight run the fish had to exert themselves the whole time they were in the pass, and nearly always without success; but in this case each pool they get into is a resting-place, and they can either swim on or stop, but they never need jump.

7081. Then from what you have seen at Dinsdale and elsewhere, are you satisfied that a pas on this principle would be thoroughly efficacious? —I am quite satisfied of it; and to prove that, is my opinion, which is a very important point, I have written to all parties concerned in the Dinsdale Dam, and to the Special Commissioner; I have written to all parties interested to say that I will put in a pass at my own cost, only to be paid for if it is proved to be an efficient pass.

7082. You did me the honour to address me on the 30th of last month, did you not?—Yes.

7083. And about the same time did you communicate with other parties?—Yes, I sent a communication to Mr. Surtees and to the Home Office.

7084. You designed that pass in 1868, did you not?—Yes, in 1868.

7085. When was the existing pass constructed? —In 1867.

7086. Was this designed as an improvement upon it?—Yes, this was designed as an improvement on the pass of 1867; in the year 1867, as I have previously stated, I had not thoroughly mastered the subject, neither could I then get my own way if I had.

7087. Has that design been brought under the consideration of the authorities; either the Commissioners or the inspectors of the Fishery Board? —It was that design on which Mr. Paterson grounded his evidence before this Committee; it was exactly the same design submitted to them.

7088. Had Mr. Paterson seen this design before that time?—It was in their hands; the plan and report was prepared for them, and by their desire.

7089. Had it been sent to the inspectors also? —The inspectors had a copy of it from the Fishery Commission, I believe.

7090. But it has not been carried out?—It has not been carried out.

7091. Are you satisfied, after reflection and after practical experience of the working of the pass at Dinsdale, at present, that the plan you now propose is a sound one in every particular? —I am quite satisfied that it is a sound one in every particular.

7092. You hold out a practical proof of that, do you not, by offering to construct the pass, and make the payment for it dependent on its success?—Yes.

7093. How do you deal with the crest of the dam, do you make any opening at all?—No, in in this instance I do not touch the dam; I mere take it through the old fish-lock at Dinsdale.

7094. But in ordinary cases would you mal an opening in the top of the dam?—Each ca would depend on the particular circumstance but in all cases it would be quite easy to mal a communication with the pass from the pond water or dam; there would be no difficulty abo it where the dam was a sloping dam with wh is called an apron, or where the weir was a pe pendicular wall.

7095. You have already informed us that th model which you produce is applicable to a we of any height?—Yes, it is applicable to a weir any height whatever; I think I could show an gentleman of the Committee the particular poin of it, and that the thing is quite easy of attainmen

7096. Is there any other point upon which yo would like to express an opinion?—I think not

7097. Mr. *Staveley Hill.*] What would be th expense of making a pass like that?—This is very easy and cheap way of making one, but th expense would depend on the height, and som other circumstances; this shows four perper dicular pieces of timber put up with a fifth one i the centre, with planks and beams to form th pools and sides, and the model is made one inc to the foot, and is 12 feet square.

7098. Each one of those chambers must b floored, must it not?—Yes.

7099. And that floor must be strongly sup ported, because it bears a great weight of water must it not?—Not a very great weight.

7100. But a considerable weight?—Yes; eac would be 18 inches or 2 feet deep.

7101. The pool is 6 feet square?—Yes.

7102. That would be 72 cubic feet of water —Yes.

7103. And a cubic foot of water weighs 27 lbs. —Yes.

7104. That would be 72 times 27 lbs.?—Yes; but it is nothing great, say, about 17 cwts.

7105. Still the floor must be made strong?— Yes; to bear in this case 8 or 10 tons.

7106. How many chambers would there be?— It would depend on the height.

7107. But in the model how many are there? —I think there are 10 chambers in the model.

7108. Ten chambers of that strength?—Yes.

7109. Do you expect that the fish would go up all through the dark?—It is not dark at all.

7110. But in some of the chambers it is dark, is it not?—No; you will see there are openings or windows to each.

7111. Then how do they get their light?—You leave the holes open.

7112. Is there a sufficient height above the floors to prevent the fish making a spring?—They would not do that.

7113. What is the advantage of the chambers going round and round like that?—It is to condense it into a small place near the point where the fish congregate; I do not mean to say that there is any positive advantage in making it square, but supposing it had to rise 70 or 80 feet, it might be better to make it as shown in this model, or better and easier to run it on to the land.

7114. But in the one case you would not want so strong a floor; you might put it on the ground, might you not?—Yes; cases might occur where it would be desirable to place it on the ground.

7115. But there would then be no difficulty with regard to the light?—Not the least in either case.

7116. Would

7116. Would not that generally be the cheapest ay of doing it?—Yes, as a general rule.

7117. That is to say in almost every case?—es; this model is only to show the principle which ould have to be worked out; in determining e pass, parties would have to use their own judgent, and be guided by local circumstances.

7118. Where you had a weir of 70 feet high, w many chambers would you require?—About to 65.

7119. The expense of 60 floors, supported on a emendous upright like that would be very rge, would it not?—Yes; I do not at all insist this particular plan, but it might happen that was the best and cheapest form of making it, nd people should avail themselves of the best eans of doing it in each situation.

7120. Can you imagine any set of circumances under which it would be more cheap to ake a chamber going round and round a comon centre than in that way?—Yes; between ocks it would be very difficult to get it done in ny other way.

7121. What would be the expense of that?—do not know, unless the height be given.

7122. You cannot tell?—No; but it is a very heap mode of construction for any given height.

7123. But cheap is a relative word, is it not?—I think this pass, 12½ feet high, could be put n for 150 *l.*

7124. To last how loug?—To last about 35 years.

7125. Do you think it would?—Yes.

7126. What is the floor made of?—Dantzic imber; it would be always wet.

7127. You would have to keep it water-tight, would you not?—No, not quite.

7128. But very nearly so?—The fish would ot care for a little water falling.

7129. But you would very soon get the water wasted, would you not?—No; not to that exent to be of any importance, and it would be easily got at to repair.

7130. Mr. *Lowther.*] I do not clearly understand what the height of that pass would be; what is it?—The model shows a pass of the eight of 12 feet 6 inches; the part of the pass next the dam would have to be raised higher han the highest flood, so that the wreck, floodwater, or ice would not get into it; the flood line s marked here, and the back raised up, so as o prevent the water getting in, except through he hole or pud aperture.

7131. *Chairman.*] Will you kindly send up to he Committee your complete model of the Dinsdale Dam, with the proposed new pass?—Yes, I will do so.

7132. Mr. *Lowther.*] Have you shown this to he inspectors?—No; to the commissioners. I never saw the inspectors, either Mr. Buckland or Mr. Walpole.

7133. *Chairman.*] Is it the fact or not, that the specification and plan that you put in, have been submitted to any of the officials?—They were sent to the Commissioners in 1868; and I understand from the Commissioners that a copy was sent to the Salmon Fishery Inspectors; they have got copies of those plans I see by their own report.

7134. But you did not supply them?—No.

7135. Nor to the fishery board, did you?—The fishery board, I think, did get a copy; the inspectors reported on my plans, using my name, and there is an account in the newspaper of it which I have seen, an extract of which I can read.

7136. What paper is that?—The "Darlington and Stockton Times."

7137. What is the date of it?—September the 25th, 1869.

7138. Have you a short extract from that paper which you wish to read to the Committee?—Yes. "We have no hesitation in saying, after a careful examination of the plan you sent us, that we should not be justified in recommending the Home Office to accept this alteration as an efficient pass; such an approval would immediately enable the owner of the dam to fish," &c.

7139. But is not the point there that it would enable the owner to fish up to the dam, an objection to conclusions that would follow from adopting it, and not any actual disapproval of the plan itself?—That is the principle, but in the last printed report of the inspectors, they report against the plans shown them, and make some crude suggestions.

7140. Mr. *Lowther.*] Was there not a model submitted which was made by Major Scott?—There was.

7141. Did you approve of that?—No.

7142. Why not?—Because I thought it was inefficient.

7143. Can you state to the Committee why you thought it inefficient?—I had two models submitted to me. I do not know which one you refer to; but I had no model submitted to me that I thought was on the right principle. I think the subject was not then sufficiently understood.

7144. *Chairman.*] Do you know the mill at Dinsdale?—Yes, perfectly well.

7145. Have you ever seen it at work?—Yes.

7146. Often?—Yes.

7147. Do you know the term a "miller's baking"?—Yes.

7148. We have been told that the mill is not employed except for millers' bakings, do you think that the mill has more to do than that at one time?—There is no doubt of it; people that have a small quantity of corn to grind in a country place like that would naturally go to get their batch done there, and, of course, while the mill is busy with that the mill can do nothing else.

7149. Have you ever calculated in your own mind the value of that mill?—No, I have not.

7150. Mr. *Whitwell.*] The Committee understood you to say that you had attached a model of a pass like that to a model of Mr. Surtees's mill, is that so?—Yes.

7151. Have you calculated the cost of the pass so attached?—Yes.

7152. What do you calculate the cost would be?—A little over 100 *l.*; the model, which I will send for, is an exact copy of the place as it is with the pass attached.

7153. And made of the same strength in proportion to the size as you have described?—It is totally different from this; this is built up, and the other is connected with the masonry of the old fish pass.

7154. But if I understand the model, this is exactly similar in design?—Yes, in principle, but not in plan or design.

7155. That is to say, a series of vertical open socks?—Yes, with an opening in the face of each through which the fish can swim without leaping.

7156. Not locks closing and opening, but open locks?—Yes, open pools.

7157. Does not that depend altogether on the supply of water?—It entirely depends on there being a proper supply of water.

7158. Then that model, no more than any

Mr. *R. Cail.*
10 May 1870.

other model, could work if there was a short supply of water for the mill?—Yes; this model would always work, because the supply of water is taken low down in the dam, and not as in the old plan of feeding over the top.

7159. But would it not abstract the water from the mill?—You cannot work the pass without abstracting water from the mill dam, but it would only be when no water was running over the dam that it would effect the milling power.

7160. No pass can be worked without taking the surplus water; but is not that worse for the miller than another pass, because it takes the water below the level of the top of the weir?—The advantages are all on the side of this pass; to other passes, fed by the water only when it is running over the weir, there was generally a great length of time when the pass was without any water, and therefore they were of no use; and, besides, in times of flood, the water was too great for the pass, and the fish could not come up even when it should have been most useful; but if the opening is put below the surface of the dam, then it is merely a fixed quantity that comes in, and you always get a supply of water for the pass.

7161. But that pass would require the water to be taken from below the top of the weir?—Yes.

7162. It would level the whole height of the water, and you would deprive the miller of his water, would you not?—It takes the water in proportion to the size of the aperature for feeding the pass.

7163. And deprives the miller of his water, does it not?—To a certain extent it does; if the mill is short of water it deprives the mill of the value of the water in proportion to the opening that feeds the pass, which can be easily computed, and in no case need be large.

7164. The miller would have to be compensated for the water which you took to feed your pass, would he not?—Yes.

7165. In that respect your pass is not like another pass which takes the water only from the surplus water?—Certainly not.

7166. Have you calculated the possibility, where there was heavy flood-water overflowing the top of the weir, of this pass not standing?—Yes.

7167. It must be made very strong in a river like the Tees, must it not?—Yes; but this is not what I propose for the River Tees.

7168. But if you were to put up a weir in the Tees in times of flood-water, it would require to be tremendously strong, surely?—It would; but this is not applicable to the Tees. The one for the Tees is a distinctly different one, but the principle is the same; that is to say, the principle of lifting the fish to a higher from a lower level.

7169. But if such a pass of 12 feet 6 inches were put in the Tees, in times of flood-water it would require to be tremendously strong, would it not?—Yes, but it is very easy to stay such a pass with timber from the low side.

7170. Earl *Percy.*] With regard to that aperture in times when the river was low would there be any objection to stopping the pass by a sluice?—None. The model which I have (this was done in a great hurry) has a sluice upon it, so that it can be shut in dry weather.

7171. Whenever there was not surplus water it might be shut down?—Yes, and perhaps that meets the objection of the honourable Member who has just been questioning me.

7172. An honourable Member asked you whether it would not be the same thing if the steps were made straight; one of the main reasons against that would be the difficulty of bringing the mouth of the pass to the point where the fish lie in most cases, would it not?—Yes; that could be easily determined; and according to the locality, one could easily be constructed to answer the purpose.

7173. Am I to understand your answer to be that you could always turn the steps so as to bring them into the right position?—Quite easily.

7174. Mr. *Knatchbull-Hugessen.*] I wish to clear up one point in your evidence about which I am not quite certain; you do not know of your knowledge whether the plan which you produce has been submitted to the Commissioners?—Not this model; but the plan and model I will show was made for and has been submitted to them.

7175. You do not mean to say that they have reported against this particular model?—The Commissioners are in favour of my plan and model, and the inspectors against it; but they have never seen this wooden model.

7176. *Chairman.*] Your answers had reference to the Report of 1868, and the plan which you have produced?—Yes.

7177. You have been asked, with regard to the cost of the pass which you suggest at Dinsdale; is it the fact that you have offered yourself to construct that pass, and that the cost shall not exceed 100*l.*?—Yes.

7178. And are you prepared further, if that offer is accepted, to keep it in repair for the next 20 or 30 years at a very small annual sum, in order to insure its working?—Yes.

7179. With regard to the bakings, the honourable Member for Northumberland was under a little misapprehension on that point; it is the usual custom of country mills, is it not?—Yes.

7180. With regard to the "bakings," is that Dinsdale Mill principally employed in grinding what are called "bakings"; that is to say, grinding for the district around it?—I cannot speak to that; but naturally the country people would bring their "bakings" there.

7181. But it does not follow, because it is employed in that way principally, that it is not very extensively employed otherwise?—No.

7182. Mr. *Lowther.*] One witness has told the Committee, "I never saw the mill turned round yet, and I have been there thousands of times;" do you think that is a correct description of the mill?—I have been there very frequently and I have generally seen it at work.

7183. *Chairman.*] Will you be kind enough to turn to Question 6257?—I have it.

7184. Do you observe that that remark was in answer to a question from the honourable Member for Cumberland?—Yes; the mill has been very much laid off in consequence of those alterations.

7185. Has it changed tenants often?—It has changed once that I have known.

7186. How long have you known it?—I think about four years or five years.

7187. Is there anything further that you wish to state to the Committee?—No.

Tuesday, 17*th May* 1870.

MEMBERS PRESENT:

Mr. Assheton.
Mr. Dodds.
Colonel Edwardes.
Mr. Staveley-Hill.
Mr. Knatchbull-Hugessen.
Mr. Knight.
Mr. Liddell.
Mr. William Lowther.
Mr. Pease.
Earl Percy.
Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

The Reverend Scott Frederic Surtees, called in; and Examined.

7188. Mr. *Staveley-Hill.*] You are the next in ntail of the property of Dinsdale-on-the-Tees, re you not?—Yes.

7189. What is the character of the dam at)insdale?—It is straight across the river, about x foot high.

7190. It is about six foot high, raised from the ed of the river, is it?—Yes, and not on an artiicial basis but on a basis of rock.

7191. Mr. *Staveley-Hill.*] What is about the vidth of the dam across the river?—It is 164 eet between the locks.

7192. The dam seems to be a semi-circular lam?—Yes, it is a semi-circular dam.

7193. What is the shape of the dam facing the iver?—It goes up the river.

7194. But if you face the dam, what is the hape of it?—It is perfectly straight down.

7195. Is there any lip or edge?—None.

7196. It is not barrel-shaped at all, but it is erfectly straight, is it?—It is perfectly straight.

7197. What is the character of the traps or ruives that there are in the dam?—Of the ruives or locks, one is filled up and the other is aken into the fish pass.

7198. When was that fish pass erected?—It vas erected after the order of the Commissioners, n 1867.

7199. What is the size of the fish pass?—The ize of the fish pass is seven feet wide.

7200. Is there a stream of water running through it?—There is a stream of water running ight through it.

7201. Always?—Always.

7202. All the year round?—All the year ound.

7203. Is it never dry?—Never.

7204. Not even in dry seasons?—No; I have never heard of its being dry in dry seasons.

7205. Is there more than one fish pass at Dinsdale?—No; the other has been filled up, and the mill wheel put in its place.

7206. Was that pass erected under the authority of the Home Office?—No, it was erected after the award of the Commissioners; they ordered us to make an opening in the centre of the dam seven feet by four feet; and at the end of their judgment, they said, "Though this will be a formal order, we wish it to be understood that the literal execution of it will not be insisted upon provided the owner proposes some other plan, whether in the form of a fish pass or otherwise, which would meet with our approval."

7207. What was the date of that order?—The 28th of May 1867.

7208. Did the Commissioners see that pass after it was erected?—Yes, Major Scott did.

7209. Were the Commissioners satisfied with that pass?—No; they said it was a complete failure.

7210. At whose expense was it erected?—At our expense.

7211. When you say "our expense," whom do you mean?—My brothers and myself.

7212. What was the cost of that pass?—The cost of the fish pass was 158 *l.*; and the cost of the alteration of the mill was 218 *l.*; that is to say, to make the mill work at a lower level; in all the cost amounted to 376 *l.*

7213. What is the character of the mill for which that wheel has been erected?—It is a corn mill.

7214. But is it an extensive mill, or extensively used?—I can tell you the rent of it.

7215. What is the rent of it?—The rent is 60 *l.* a year.

7216. Is that mill at work the principal part of the year?—Yes, save last summer, when there was a great drought.

7217. In your judgment, is that fish pass, apart from what the Commissioners say, serviceable or sufficient?—No, I think it is not.

7218. Can the fish rise over the weir apart from the pass?—They get over in floods.

7219. But only in floods?—Only in floods.

7220. This weir is above the flood, is it not?—Yes, it is about five miles above the flood, I believe.

7221. You have given a good deal of consideration with respect to the present state of the law with regard to salmon fisheries, have you not?—Yes, I have given it a good deal of consideration.

7222. In your judgment, is any alteration or amendment required in those laws?—Yes; I think the first alteration required is, that there should be an alteration in the constitution of the boards of conservators; I think the minority are not properly represented.

Rev. *S. F. Surtees.*

17 May 1870.

7223. What do you mean by the minority?—I mean the lower riparian owners.

7224. To what extent are the lower riparian owners represented on your board?—I think there are 80 conservators; 40 out of that number are from Yorkshire, and 40 from Durham.

7225. To what extent are the riparian owners represented on that board?—They are represented to this extent; that they are chosen by the court of quarter sessions, and, I should say, almost everybody would be on that board.

7226. Is not every riparian owner on that board?—Pretty nearly, I should say.

7227. In what way then do you think you could get for them more representation?—With such a number, no one takes an interest in it, and it falls into the hands of a few who manage it.

7228. You think that it would be a good thing to limit the number?—Yes, it would be a good thing to limit the number, letting this large number elect them, and then you would get an efficient board, and each part would be properly represented, the fishermen, the lower riparian owners, and the upper riparian owners.

7229. But I undetstood from you first, now, that every riparian owner is on that board?—I should say so.

7230. Now, what other representation would you give to the riparian owners?—I would let them elect the board, and that board should not be too large, so that there would be a certain number who had the responsibility.

7231. Do I understand you to suggest that you would have the board elected alone by the riparian owners?—By the several fishery owners, by the upper proprietors, and the fishermen who pay licenses. I would have a mixed board.

7232. Is there any other alteration which you would suggest in the constitution or election of the board?—I think not; only I think that an election is absolutely necessary.

7233. Now what other suggestions have you to make with respect to any points in the existing salmon fishery laws?—First of all I think it is extremely necessary that we should have a qualification clause; that is to say, that those who vote as riparian owners should be either owners of, say 20 *l.* a year, or else the owner of a mile or half a mile of river, so as to get on the board those who are really interested in it.

7234. That comes rather within what you have already suggested with regard to the mode of election, that it should be by those who are really interested in the river, does it not?—Yes; that it should be by those who are really interested in the river, and not by the court of quarter sessions, as they are now; many of them never come near.

7235. And you propose that the persons elected should also be qualified?—Yes, they should be qualified; that is very important.

7236. What other suggestions have you to make?—I think no justice, if he is a conservator, ought to hear any salmon case whatever. I think they act to some extent both as prosecutors and judges.

7237. Is it within your experience that the justices are generally conservators, who hear a case with respect to a breach of the salmon fishery laws?—In our district a great number of them; those who are conservators attend when cases are brought forward by their own watchers.

7238. In your judgment has that operated with some injustice?—It has operated with very gre injustice. There was a case where we quashed conviction before the Court of Queen's Benc and there were some observations made upon by Lord Chief Justice Cockburn.

7239. What case is that?—The Queen Hodson. That is in the "Law Times," Ne Series, 761. The Chief Justice says, "It w impossible consistently with well establishe principles, to support a conviction where th magistrates, or some of them, were undoubtedl interested in the question, and indeed were sub stantially the prosecutors. It was impossible t say that those who were parties to a crimin prosecution should determine the case, and it i impossible to say that magistrates who procee criminally as prosecutors can also act as magis trates in their own case." Mr. Justice Mello said, "It is highly desirable that the proceeding of magistrates in such cases should be free fron the suspicion of interested motives. It would b very mischievous if justices should act unde such circumstances." Mr. Justice Blackburn said, "Magistrates who connect themselves with associations like this for prosecuting offences must not sit as justices on the hearing of prose cutions instituted by such associations."

7240. Under what Act was the conviction made, and what was the date of it?—1863.

7241. *Chairman.*] Had that reference to the Voluntary Landowner's Association?—Yes, the Landowner's Fishery Association.

7242. Before the formation of the board?—Yes, it merged into the board of conservators.

7243. Mr. *Staveley-Hill.*] That conviction was set aside, because the magistrates were persons interested?—Yes.

7244. Does not that meet your objection?—Yes, but in the next Act of 1865, the Salmon Fishery Act, a clause was put in to enable the magistrates to act.

7245. Clause 61 of the Act of 1861, says, "No justice of the peace shall be disqualified from hearing any case arising under the Salmon Fishery Acts, 1861, 1865, or either of them, by reason of his being a conservator or a member of a board of conservators, or a subscriber to any society for the protection of salmon or trout; provided that no justice shall be entitled to hear any case, in respect of an offence committed on his own land"?—Yes, those very gentlemen now sit on such cases.

7246. You would have the 61st clause of the Act of 1865 repealed, and leave it in the same state as it was before?—Yes.

7247. You would leave the matter in the position which it was in when the Chief Justice and the other Judges of the Court of Queen's Bench gave that decision?—Yes.

7248. Is there any other point which you wish to go into?—The next point is, that there is power where an offence is committed on a river in two counties, of summoning the party in either county; and in one case we had a fisherman who committed an offence on the Yorkshire side summoned to Darlington before these very magistrates. The defendant has not the power of choosing his court, but they have now. I think it is in the Tithe Act of Parliament that it states that if a magistrate is a patron of a living, the cause may be heard in another division of the county.

7249. With regard to this Act of Parliament, will you state what amendment you would suggest

there?—I would suggest that the defendant ld have the power of saying, "I wish to be l in another division."

50. That is to say, the same power as a tiff to change the venue from one county to ner when a river is the boundary of two ties, or is in two counties?—Yes.

51. Would you carry it further, and give ame power where the whole of the river, or e the offence is in one county?—Yes, I think both parties should always have that power.

52. Can you say that any great injustice risen from the present state of the law?—I cannot say that any great injustice has en from it, but there might have been; it is tisfactory that an offence committed in York- e should be tried in Durham without some l reason.

253. There is a possibility of damage, but cannot speak of any injustice having arisen? o.

254. What other suggestion have you to e?—I think the accounts of the conservators ht to be filed and published. I have had siderable difficulty in getting at the accounts. ave written to both clerks of the peace in both nties, and I found they were not filed.

255. Did you at last obtain the accounts?—, I did.

256. From whom did you get them?—They l to be laid on the table at the court of quarter sions, and I got one of the magistrates, while accounts were on the table, to copy out what anted.

257. Are they not printed?—No, they are ther printed nor published.

258. Did you apply to the secretary for the ounts?—No, it was not likely I should do so.

259. Why did you not apply to the secretary? The secretary and myself do not have much mmunication.

260. You might have applied to him in his blic character; you have no reason to believe t you would not have had them, I suppose?—

261. You think that the accounts should be blished in the newspapers?—Yes, I think they uld be published, so that everybody might e access to them.

262. Is there any other objection that you e?—In connection with these accounts, I nd that there was a great deal of money which been spent in law.

263. You think that is money thrown away? Yes.

264. In what way was it spent?—There was ase of ours tried at Darlington before the ecial Commissioners, and there were 70 *l.* paid an antiquarian, a lawyer, to pick holes in our e.

265. That was an investigation with regard he legality of the Dinsdale Weir?—Yes, 70 *l.* l to Mr. P. Longstaffe, a very eminent anti- rian lawyer.

266. Is that the bill of costs you are reading n?—These are from the payments of the Tees hery Board as presented to the court of rter sessions.

267. Mr. *Liddell.*] Is that as it was copied the magistrate?—As copied by the magistrate, h his signature at the bottom.

268. Mr. *Staveley Hill.*] Will you be kind ugh to read those payments?—Mr. P. Long- ffe 70 *l.*, *re* the dam.

.52.

7269. Is your brother, Mr. Alfred Surtees, a solicitor in Bedford-row?—Yes.

Rev. *S. F. Surtees.*

17 May 1870.

7270. Did he conduct the case on your behalf?—Yes.

7271. I have a letter here before me, from Mr. Surtees, written to Mr. Joseph Dodds, secretary to the board, in which he says, "It appears to me that there will be no objection to the plan suggested, of Mr. Longstaffe making copies, and those copies being admitted in evidence in lieu of the originals; such of the documents as we may jointly require I presume it is intended to be at the joint expense, and those which we may separately require at our own expense," so that your brother seems actually on your behalf to have recognised the employment of Mr. Longstaffe?—That is quite a different point.

7272. In what way is it a different point?—In this way: that many of those deeds were in the Record Office at Durham; and suppose the clerks had to bring all those deeds up, it would be an enormous expense, and in order to avoid that expense, it was agreed between the solicitors that everything in Mr. Longstaffe's writing, who is a person of the highest character, should be taken as evidence. I can tell you what our bill for Mr. Longstaffe was; it was 22 *l.*

7273. That was your payment?—Yes; that was ours for the same thing.

7274. Was this in an inquiry with regard to the legality of the Dinsdale Dam?—Yes.

7275. Was it tried at the assizes?—No; it was tried before the tribunal of three Commissioners at Darlington.

7276. Have those Commissioners power to award costs?—No; they have no power to award costs.

7277. Had you any power of having your bill taxed?—No, I believe not.

7278. Was the award of the Commissioners in your favour, or against you?—They decided to make the dam incapable of taking fish, and we were to cut this opening in the dam and close up the locks.

7279. With regard to the investigation before the Commissioners, the board of conservators, who were taking action in the matter, were successful, were they not?—Yes, I should say so; it depends on what they call success; they had an opening ordered in the centre of the dam.

7280. They obtained what they wanted, did they not?—No; I think they did not.

7281. Practically, the conservators were successful before the Commissioners, if you are appealing against their judgment?—Yes; I am appealing against their judgment.

7282. You would not have appealed if you had been successful, I suppose?—Just so.

7283. One of those items of costs, was costs incurred in that suit?—Yes; in a suit by a public board; that is to say, in prosecuting that suit at Darlington.

7284. Is there any other item?—Counsels' fees 47 *l.*, is rather a large item.

7285. What did you pay your counsel?—Not that much.

7286. About what sum did you pay your own counsel?—I think it was about 20 *l.* or 30 *l.*

7287. Did you have two counsel from London specially?—Yes.

7288. That was a three days' inquiry, was it not?—Yes.

7289. Would 47 *l.* be too much in that case?—I cannot say.

Rev. *S. F. Surtees.*

17 May 1870.

7290. Is there any other item to which you take great objection?—Yes; there is an item for the secretary visiting the Salmon Congress in London, which is out of the district, and therefore the expense is illegal.

7291. What is the sum charged?—There is a sum of 6 *l.* 10 *s.* charged to and from London to attend the Salmon Congress.

7292. When was that?—On the 11th of December the secretary went to the Fish Congress in London.

7293. And you think that that should not have been allowed?—I think it says in the Act of Parliament, that the expenses must all be within the district.

7294. Can you point out to the Committee what part of the Act of Parliament that is in?—I have not got the Salmon Fishery Act with me.

7295. Is there any other item that you think is objectionable?—No; I think not.

7296. Mr. *Knatchbull-Hugessen.*] Have the board of conservators any other source of income besides licenses?—No; I think not.

7297. No subscriptions by landowners?—No; I think not.

7298. Are you aware whether the secretary is paid, or an honorary secretary?—He is not paid; I think he should be; he is a conservator, he must be honorary.

7299. But do you think if it was necessary that some one should attend the salmon congress on the part of the board of conservators, that that individual should go up for the benefit of the district at his own expense?—I went up myself, and I was not paid.

7300. Mr. *Staveley Hill.*] The amount of expense incurred was 6 *l.* 10 *s.*, you say?—Yes.

7301. Colonel *Edwardes.*] You stated just now, that you went up to attend the Salmon Congress, did you go as a volunteer, or at the request of any one?—I went as a volunteer.

7302. Mr. *Staveley Hill.*] You thought that your attendance at that Congress would be of service to you in acquiring knowledge with regard to salmon?—I thought I might see something about fish passes.

7303. I need hardly ask you, as you thought it worth while going yourself, whether you would have also thought it worth while for the secretary to the board of conservators to go and see it?—Yes; quite so.

7304. You have no charge to make against the secretary of his having made any profit at all out of any payment?—Certainly not, I should think.

7305. The only charge you make is that he took this money for going up to town, when you think he should have paid it out of his own pocket?—Just so.

7306. What other objection have you to suggest to the Committee, with respect to the present state of the salmon laws?—Summonses are being constantly taken out against our millers at different times?—For what.

7307. For all sorts of breaches of the law, and one of those breaches of the law was as follows, that the hatches were not removed in the close time. I think a man was fined for that 14 penalties, of 1 *l.*, and 5 *l.* 13 *s.* in costs.

7308. Who was that before?—That would come before the magistrates.

7309. Has there been any appeal against that conviction?—Yes, that was the one that was quashed afterwards.

7310. *Chairman.*] But was it not first argued on its merits, and the judgment of the Court taken upon it. I mean before it was quashed was it argued in the Court of Common Pleas on a special case, and was the judgment given upon it?—Yes.

7311. Mr. *Staveley Hill.*] Was the conviction confirmed, or was it quashed?—The conviction was affirmed with costs in the Court of Common Pleas, and then it went back, and was quashed in the Court of Queen's Bench.

7312. Was that on the ground of the magistrates not having jurisdiction?—Yes, it was on the ground of the magistrates not having jurisdiction, as being interested.

7313. Who were the magistrates who heard that case?—There were several of the Darlington bench present.

7314. Have you got their names?—I have not got them.

7315. Do I understand you to raise an objection to your men having been summoned?—They were summoned for not taking the hatches away during the close season.

7316. And they were convicted?—Yes.

7317. That conviction was affirmed?—Yes, but those very hatches were of great service to the river, preventing a great fresh of water coming down, and when they were half or three quarters down, they would let the salmon go up, and therefore this trial and conviction, and the summonses, were really what was harmful to the river as far as the salmon was concerned, and injurious to the mill, and no good for anyone.

7318. But still they were breaches of the Act which breaches of the Act the judges held were committed by your man?—Yes; but that is the point in which the Act requires amending.

7319. In what way does the Act want amending?—I think the Act of 1861 needs amending particularly in the 20th or 22nd section. If you take any rapid river like the Tees, and if you take the hatches up, there comes such a rush of water through the locks, that the fish cannot get up in the close time; when it is three-quarters down, they can get up much easier, and therefore all this absolutely does harm to the river.

7320. Your objection is that you ought not to be required to take the hatches up all the way but only part of the way?—Just so.

7321. And that there should be an option given to the person who is drawing the hatches to say how far he will draw them up?—Yes; or to the board of conservators, with the consent of the Home Office or inspectors; as it is, it is an absolute injury to the river in many cases.

7322. You think that a clear opening, not less than four feet in width from the bottom to the top, is too large an opening?—That is acknowledged by all parties to be too large an opening in the other case these summonses were connected with that opening.

7323. Have you any other objection to the salmon fishery laws?—I object to the power given to the Special Commissioners.

7324. Which of their powers do you object to?—I object to the power given to them to call for title deeds.

7325. Do you think that you could have a proper inquiry without calling for title deeds?—I think in other cases title deeds are not required to be produced.

326. You mean the Lord St. Leonards' case? es, Lord St. Leonards' case, in which the rt held that it was very wrong to call upon a on to produce title deeds.

327. But what would you have to supersede ?—I would have the law of the land, pos ion for 60 years.

328. And you would not go further back?—

329. And that should be a sufficient title?—tainly; it adds enormously to the expense.

330. Has not it, under a recent decision, n held to be sufficient to have possession for years without going back to inquire where title arose; that was in Mr. Garnett's case. rnett *v.* Backhouse, was it not?—Yes, but t does not undo what was done.

7331. That was a case in which the Commissners were overruled by the Court of Queen's nch, was it not?—Yes; the Commissioners mmoned us to produce all our title deeds.

7332. But it was before the case of Garnett Backhouse?—Yes.

7333. So that the case of Garnett *v.* Backuse has now removed that difficulty of yours; at evidence of possession for 40 or 60 years, as e case may be, is sufficient without saying in at way the title arose?—I think the Salmon all case is now before the Court of Common leas on that ground.

7334. *Chairman.*] Was the summons to proce the title deeds, the summons of the Special ommissioners, any more than a writ issued from e Court of Queen's Bench, bearing the signature the Lord Chief Justice, is a summons from e Lord Chief Justice?—That is one of the ints that I complain of; that it is not in the rm of the upper courts; it is totally different om the others. I have one here from the ourt of Exchequer which is on quite a different rm.

7335. Are you not aware that those sumonses are obtained from the Special Commisoners by any parties to the litigation, and are led up by them, and are not the summonses of e Special Commissioners in any other sense than at their names appear to them?—No, I beg to y, with all due deference, it is not so.

7336. Mr. *Staveley Hill.*] This notice, under te of the 27th March 1867, is an ordinary otice, to produce which, would be given in any her action, is it not?—But in other cases you ve the name printed of the defendant, and you now who you are fighting with. This writ me straight from the Commissioners (*producing paper*).

7337. Still it is an ordinary notice to produce , is it not?—Yes, but there is no plaintiff or fendant, and we do not know who we are ghting with, as in ordiuary cases we do, and e name of the lawyer is not on the back.

7338. What other objections have you to the owers of the Act of Parliament?—I think there no other objection to the legal point. I think at we should not be deprived of going before e customary legal tribunals of the country first, d that we should not have to pass through the deal of the Special Commissioners before we can ve our case tried in the upper courts.

7339. You would have the case tried at the sizes in the ordinary way without going before e Special Commissioners?—Exactly.

7340. What suggestions have you to make th respect to any further provisions that there should be in any new Act of Parliament; what do you say as to the power to raise money for the purpose of purchasing mills, dams, and so on?—I think that compulsory powers would be a very heavy weight upon boards of conservators if largely carried out, and if the licenses were burdened with a heavy mortgage, that would prevent money being spent on the watchers, and in many instances would, I should say, swallow up almost all the license duties.

7341. Have you formed any opinion with respect to giving power to watchers to enter upon lands?—Yes; I think that watchers ought to be allowed to enter upon lands when there is some cause of reasonable suspicion, as it is under the Scotch Acts; as it is, they come on just as they like, when they like, and how they like.

7342. Have you found injury resulting to your property, or any inconvenience from their being allowed to do that?—I have found great inconvenience and annoyance from finding those people about there.

7343. How many are there employed about there?—I should say there was one for every certain number of miles of river.

7344. So that this one man comes up and down the land?—Yes; he is always wandering about; I think it is a very hard case that those men can come without a warrant at 10 o'clock at night, as they did come to my bailiff, and carried away a fish belonging to myself.

7345. On what ground was that done?—It was on the 2nd of February, and on the ground that the fish ought not to be caught on the 1st of February. It was on the 2nd of February that the fish was seized.

7346. Had the fish really been caught out of season?—No, it had not been caught out of season. The fisherman was had up before the magistrates, and they dismissed the charge.

7347. What became of the fish?—That is what I want to know.

7348. Did you ever see it again?—No, I never saw it again.

7349. You do not know how it was disposed of?—No.

7350. You think that that was a high-handed act?—Yes; I made our lawyer ask at whose suggestion it was done, and the watcher said that his order came from Mr. Dodds, the secretary at Stockton.

7351. He would be the proper person to give the order, supposing the order to be a proper order, would he not?—Yes.

7352. Did you see the fish?—No.

7353. Was it a foul fish, do you think?—No, it was a clean fish.

7354. Did you bring an action upon that?—No, I have had enough of litigation, or else I should have liked to.

7355. It is fair I should call your attention to one passage in your letter to Mr. Dodds; you say, "under this Act of Parliament the owners of the Dinsdale Dam have been involved for a number of years in law suits with the secretary of the Fishery Board;" have you ever had any law suits with Mr. Dodds?—We have had law suits; these three suits.

7356. Is that fairly described as having law suits with the secretary of the Fishery Board?—He obtained costs from us.

7357. On behalf of the conservators, I suppose?—I do not know on whose behalf it was.

7358. You describe this as annoying and vexa-

Rev. *S. F. Surtees.*

17 May 1870.

tious litigation?—I think it is in both cases; because they did harm to the river, and prevented the salmon going up.

7359. But in both cases they were successful, were they not?—Yes.

7360. And the decisions were upheld by the Court of Common Pleas?—Yes.

7361. You can scarcely call them vexatious cases, can you?—I think so.

7362. Is there any other suggestion that you would make with regard to future legislation?—I think compulsory powers should hardly be asked for; I mean compulsory powers for purchasing dams; I think it is hardly needed in any case. The Tees Board was the only board in England I believe, that asked for compulsory powers to purchase dams.

7363. Do you not think that it would be sufficient if power was taken to put passes over all dams, providing compensation wherever the milling power was interfered with?—That is very necessary. Suppose we had objected to passes being made like that one proposed by Mr. Wilson or Mr. Cail, I think powers ought to have been given to the board to make those passes with compensation.

7364. There is one point which I find, in reading your pamphlet, you are rather strong upon; you object to the prohibition of fishing within 100 yards of a dam?—Yes, that seems to me to be a very great mistake, because, in the first place, the fish are in much better condition in the lower parts of the river, and they are much easier taken out of the pools, and if as is described, in the Tees poaching exists to a very great extent, if you do not take them you leave them to the poachers; and besides that there are very often cases where the pool belongs to a different person to what the mill does. Now it is a great inducement to the owner, and it has been a very great inducement to us, to make a pass over the dam. The Act of Parliament states that if you make any pass you may fish in your pool again; and in order to avail ourselves of this, we have spent many hundreds of pounds, and we have also given up our lock, which is also very valuable; and even so much are the pools taken into consideration in the purchase of land in our river, that when I bid for some land last year we calculated the value of a pool on the Tees at so much.

7365. Practically, you would not only take away the fish from the poachers, but you would prevent anyone else up above doing so?—I would bring the fish to market when they are in the best condition, and in the easiest way, instead of being dragged along by nets. They are taken easily in the mill pools.

7366. You think that unless they are taken in those pools, they cannot be taken so well?—They can only be taken by angling above, because there are very few pools for netting, and the fish get spotted, and very inferior altogether; so far as the public are concerned, it is of importance that the fish should be taken in the best condition.

7367. Is there any alteration that you wish to be made with respect to the power to make bye-laws?—I should be very sorry, indeed, to see the power to make bye-laws enacted without its being safely guarded. It might lead more or less to unpleasantness in the river, and it certainly would do so with the present constitution of the boards of conservators.

7368. If I rightly understand you, you think that the board of conservators has at present too much power rather than too little?—A gr deal.

7369. Have you any alteration to suggest the Committee, with regard to the close time? Yes, I think that the parties in the tidal wate have not the same fair share of privileges owi to the tide, that those who are in the upper a non-tidal waters have. I would extend close time in the non-tidal waters, from o'clock on Friday night. Owing to the ti they cannot fish very often in the week in t same way that we can, therefore I think it wou be fair to increase the close time in the non-ti water to 6 o'clock on Friday evening.

7370. Instead on noon of Saturday?—Y instead of noon on Saturday.

7371. Mr. *Lowther.*] Do you know wh usually becomes of the fish that are caught in illegal manner?—I cannot tell you.

7372. With regard to bye-laws, I suppose y think they are necessary with regard to salm fishing?—I think that, suppose you want a new laws, it ought to be clearly defined to wh points they should be applied, that is to sa suppose you think it is necessary to have by laws to prevent their flinging their nets too clo in the estuary, it should be defined that the should not shoot their nets within so many yard I would leave no more to bye-laws than I cou possibly help; suppose they wanted to limit th length of the nets, I would have it defined b Act of Parliament; I would have everythin stated in the Act of Parliament, if possible.

7373. For each separate river?—I would leav as little as possible to bye-laws. I think there a general feeling, both among the fishermen an those who are not conservators, that we should b hardly dealt with in bye-laws.

7374. You are not on the board yourself, presume?—No.

7375. Is your brother on the board?—Yes, h is on the board.

7376. Does he attend much to it?—No, he i a great invalid.

7377. I think the Commissioners obliged yo to take away a pier in the middle of the wei did they not?—Yes, our pass as first agreed upo by the Commissioners, had a pier in the centre o it, that blocked the force of the water. That wa in the first plan that was put in, and we agree that this pier was to be left; it was an old pie behind which the fish sidled up, and so go through the water, and, I believe that that pas would have been a most efficient pass if it ha not been taken away through the Special Com missioners, at the express wish of the conserva tors.

7378. Have the inspectors reported in thei last report upon the Dinsdale Pass?—Yes.

7379. What was the substance of what they said?—Their report was that the pass might be made. Mr. Buckland said, "I think that if the hatches were down it would be a great advantage to the river, so as to break the force of the water."

7380. I understood you to say, in answer to one of the honourable Members, that you think the accounts of the board of conservators ought to be published?—Yes.

7381. Are the meetings of the board published in the newspapers; I mean, are they announced? —I cannot tell whether they are advertised or not.

7382. Has your brother an agent on that board?—My brother had an agent on the board many

ny years ago. He has now a new agent, he d been on before as a magistrate, and he was put on.

7383. Who was the old one?—The old one s one that I tried hard to get to attend the etings, but I never could get him to attend.

7384. Why?—Because he said whenever he nt they abused him so. That was Mr. Armong. I could not persuade him to go even en I put a pressure upon him.

7385. The Committee have been informed that e tenant of the Dinsdale mill has been frelently changed; is that so?—Yes; since these cts of Parliament, but not before. I think bere these Acts the same family had been there early 50 years.

7386. Why did they change?—They changed ecause they were so annoyed by all those numeous summonses, and at last it got so bad that I as forced to take it into my own hand, because obody would stay there.

7387. We have been told that there is a kind f fishing called snatching or stroke-hauling, which akes place at Dinsdale; are you aware of that?—I believe there was a good deal of that kind of ishing at one time. I know that one of my rothers caught two men stroke-hauling, and had hem up before the magistrates, and they were ined one shilling.

7388. Had those same men been often up before the magistrates?—I do not know; one was the miller's man, and we gave the miller notice to quit the next day

7389. Would you be in favour of sending a man to prison who was often caught poaching?—I should think that on the third conviction you might perhaps send him to prison.

7390. You said that your brother took those men; do the watchers not interfere in such cases?—I do not know that they did with the stroke-hauling people; they do not seem to have had them up ever before. The watchers do not work with our people; they might prevent a great deal of poaching if they did.

7391. Your own people do not get much assistance, you think, from the watchers?—No, not any hardly.

7392. I think you would not be in favour of granting more powers to the Special Commissioners?—No.

7393. Do you think that they have too much power already?—Yes, I think they have a great deal too much power.

7394. You consider it a hardship that landed proprietors who possess mills should be first of all obliged to pass through the ordeal of going before the Special Commissioners before having their cases tried in one of the upper courts?—I think it is very hard that an important case like ours should be tried before a tribunal like that of the Special Commissioners; my opinion is that it ought to go at once to the special tribunal of the country, and that we ought not to be deprived of the right to have our cases tried by the judges of the land, and questions of fact by a jury.

7395. You seem to consider that the Special Commissioners have a command of the money from the Treasury, or elsewhere, more than a private individual would have?—Yes; it seems very hard indeed that the cost of those prosecutions and appeals should come out of the Treasury money; I do not know any Act of Parliament that authorises that; it seems very unconstitutional. I sent a memorial to the Treasury on the subject, and the Treasury said that they would give it their careful consideration; I think it was Mr. Stansfeld who said he would give it his careful consideration; I have the memorial here, if you wish to look at it, and perhaps the Right Honourable the Under Secretary of State would not object to its being put in.

7396. *Chairman.*] Will you be kind enough to give us the substance of it?—It is a memorial to the Treasury upon the impropriety of allowing the public money to be spent in prosecuting appeals; I sent it in on public grounds.

7397. Does the memorial conclude with a prayer?—"That if the conservators have to find the funds the law suits would be less numerous, whereas the opportunity of trying abstract points of law by constant litigation is facilitated by the Treasury allowing the cost of those appeals to be a charge upon the public purse."

7398. Mr. *Lowther.*] Mr. Paterson, in his evidence before this Committee, informed us that when he was down in your part of the country he had to get some cruives of Sir Clifford Constable removed, do you know when it was they were removed?—They were removed in 1861; and those stake nets which Mr. Paterson took credit for removing in the year 1867 were taken down in 1861. I took the trouble of going over to Lord Zetland's agent to ask him, and he told me he was quite astonished to hear that there was any claim made; that he never did make any claim, and that those nets were declared illegal, and taken away by the Act of 1861; he gave me the direction of the person who had those stake nets. I went over to him, and I have got his letter, and he says, "On reference to my books I find that the fixed engines were abolished on this beach in 1861. I fished in the year 1861, and not since. They were removed from the Tees mouth southward." That is his statement; he had had Lord Zetland's nets for 15 years, and he told me that he took them down and sold his nets. You will also find in the First Annual Report of the Inspectors of Salmon Fisheries they say that stake nets "are declared illegal by the 11th section of the Act, and we hope, in consequence, to see a rapid increase in the value of the fisheries." And then there was another instance of a net that Mr. Paterson said they had declared to be illegal, and "which had not been erected since"; but that net was declared to be illegal under the bye-laws of the Tees Conservancy Commissioners many years before; therefore it was utterly impossible that the Commissioners could have ordered it to be removed; and it had not been erected since, because the law of the land and the bye-laws of the Tees Conservancy Commissioners, settled by Judge Williams, ordered it to be taken down, and yet the Commissioners claimed credit for abating that nuisance.

7399. Have you any plan to suggest yourself, for the promotion and increase of salmon?—I think the main thing is the protection of the salmon fry; in the old Acts of Parliament, the leading idea is the protection of the salmon fry; in almost all cases sufficient salmon get up to spawn, and the one point to which all our efforts ought to be turned, in my opinion, is the protection of the salmon fry; I would protect it in every way possible.

7400. *Colonel Edwardes.*] Did I understand you to say, that you object to Boards of Conserva-

Rev. *S. F. Surtees.* — 17 May 1870.

tors having the power to adopt bye-laws?—Yes.

7401. Why do you make that objection?—I wish everything to be defined as much as possible by law; I would much sooner have it as it were laid on the Table of the House like the Inclosure Act, and any amendments and alterations embodied in one Act of Parliament, than have bye-laws made by boards of conservators.

7402. Am I to understand that your opinion is, that there ought to be one Act of Parliament and one express code of laws that would be suitable for every river in the United Kingdom?—I think to a very great extent it may be done; I think if there was any alteration that was needed it should be embodied and laid on the Table of the House like the alterations in the Inclosure Acts, and then they would pass the ordeal of Parliament first.

7403. Suppose it was proved satisfactorily that some rivers being early and some rivers being late, it would be very advisable in the interest of all parties that the close time should be different in certain rivers, what would you say then?—Then I would state that the close time should be altered, and give power to vary the close time in such and such rivers.

7404. You would have a clause in the Act of Parliament for every river in the kingdom then?—No; I would not have a clause for every river in the kingdom, but I would have laid on the Table of the House of Commons any alterations that were made.

7405. You would take all the power out of the local authorities, who, being on the spot, would know more about the river than the law makers in London, and leave it all to one Act of Parliament, would you?—It seems there are such antagonistic interests that I cannot see how it could work unless it was guarded in the strictest way possible.

7406. I understood you to say that you consider at this moment there are too many members on the board of conservators?—Yes; there are too many members, and there is no responsibility anywhere.

7407. Do you know whether there is a good attendance at the Tees Board generally?—Seven or eight members attend, I think.

7408. That is to say seven or eight members out of 80?—Yes, out of 80 members; I do not think that any Yorkshire person attends.

7409. Do you think if there were only 30 members, more than seven or eight would attend?—I would have 10 or 12 members only.

7410. Do you consider that out of 10 or 12 members there would be seven or eight who would attend?—Yes; because only those would be elected who would take an interest in the matter.

7411. Do you not think if your suggestion was carried out, that in many cases you would never get a board at all?—No, not if the parties took a sufficient interest in it; you would find no difficulty about that.

7412. But people have other interests and occupations, have they not?—Yes; but the board does not meet very often.

7413. But surely out of a large number of members, it would be much easier to obtain a quorum than out of 10 or 12 members, would it not?—It seems so, but it is not so.

7414. I understood you to say that there had been several summonses taken out against the millers at Dinsdale?—Yes.

7415. And that you rather attributed the fr quent change of tenants to those numerous sun monses?—Yes, entirely so.

7416. Has there ever been a case where t party summoned has not been convicted?—No.

7417. They have been convicted in every cas have they?—Yes; there were nine summonse at one time, and 14 at another.

7418. But they were all followed by convi tions?—Yes; they were all convicted.

7419. You can hardly complain of those sun monses being taken out, in accordance with th law, can you?—I complain that the very fact taking out those hatches was an injury to th river.

7420. But you complain of summonses bein taken out, do you not?—Yes; I complained o the summonses, because it was for that purpose and it did no good.

7421. But if summonses had not been take out, it would have been tacitly winking at a infringement of the law, would it not?—You ma put it in that light, but I say that the lifting u of those hatches was an injury to the river.

7422. But there is the law, and you must con form to it, must you not?—Yes.

7423. I suppose the parties who took out th summonses, had reason to believe that the law had been broken?—Yes.

7424. And they obtained a conviction in every case, you say?—Yes.

7425. The principal duty of those conservator is to see that the law is not broken?—Yes.

7426. Therefore would they have been doing their duty if they had not taken out those summonses?—They did positive harm to the river; they were not doing their duty.

7427. Is it not the principal part of their duty to see that the law is not broken?—Their principal duty is to see that salmon go up to spawn.

7428. And also to carry out the Act of Parliament, I suppose?—The principle of the Act is to help the salmon to go up to spawn.

7429. But you have not answered my question; would they or not, in your opinion, have been neglecting their duty if they had not taken out those summonses?—I think they had much better never have done it.

7430. Would they have not been neglecting their duty, and the duty for which they were appointed, if they had not taken out those summonses?—No, I think not; their duty was to help the salmon up to spawn and not to stop them.

7431. You stated that your people received no assistance from the water-bailiffs at all, I think?—No, they do not; just the contrary.

7432. Is that in consequence of their not being able to find them?—I mean that the water-bailiffs do not work with our people in any way.

7433. You say that they do not pull together?—No, not in any way.

7434. Is it because the water-bailiffs are not able to find your men when they want them?—They are always about, and my opinion is that they would work much better, if they did work together.

7435. You state that the water-bailiffs can always get at your men when they want them; is that so?—Yes.

7436. Have they ever applied to them for assistance?—I do not know; I have never heard.

7437. Have you ever had any complaint from your

our keepers or tenants, that they had applied the water-bailiffs to assist them, and been refused?—No, never.

7438. You do not know that they have ever applied to them?—No.

7439. Surely then you can scarcely say that they receive no assistance from them?—What I say is that they they do not work together.

7440. It is not likely that they will do so, if you do not ask them to work with you; in fact, as I understand you, you have never applied for assistance from the water-bailiffs in any way; have you?—No.

7441. Earl *Percy.*] I thought from your remarks that you drew a distinction between the interests of the upper and the lower riparian owners; am I right in supposing that?—Yes.

7442. You think that their interests are antagonistic?—I think they seem to think that their interests are antagonistic, and that they do not work together.

7443. Do you think that that is in reality so, and that their interests are antagonistic?—I think that the lower proprietors always must get the largest share of the fish.

7444. Should it not be the object of the law as much as possible, to equalise the interests of all the people concerned?—That is to say, you take it from those who have it now, and give it to those who have it not.

7445. You think it impossible to add to both?—I think you cannot prevent the nature of the fish having that effect. Suppose the fish go to the upper waters, there are places they go to where they are caught in the pools; but the places where they will spawn are the shallows; therefore the upper riparian owner who owns the pool would get the fish, and not the party where the fish spawned, which is in the shallow. I do not think that you could ever equalise the value of the river in different parts. Then again, the chief of our fish spawn in the tributaries in a great measure.

7446. They spawn in the upper part of the river; is it not necessary for the improvement of the river that the fish should be allowed to pass up?—Certainly, every facility should be given to a sufficient number of fish to pass up to spawn.

7447. Then you do believe that the dams in rivers have a tendency to diminish the number of fish?—No, I do not think so; I think that if there are proper passes, there is no possible objection against them. I think there ought to be a proper pass in every dam, and that there should be power given to boards of conservators to have it done.

7448. You said that the Tees Board was the only one which asked for compulsory powers to purchase weirs, did you not?—The only one that I know of.

7449. Are you aware that, at the meeting of the deputation that went up to the Home Office last March twelvemonth, there were representatives of 21 rivers, and that one of their requests was that there should be power to purchase weirs under the Lands Clauses Act similar to the powers already authorised in the Land Drainage Act?—I do not know that.

7450. Did you attend that meeting last March, or did your brother attend it?—No, I did not know anything about it.

7451. You were not represented on it in any way?—No, I think not. I do not think that any of us had any communication with anyone on the subject.

7452. You spoke of the inconvenience from the constant attendance of the water-bailiff; I should like to ask you whether you referred to any act of the bailiffs, or was it merely their presence there?—Their presence; always being about when one is there, which is very unpleasant, and when people are fishing those bailiffs are standing by them.

7453. They did not proceed to any more active form of annoyance, I suppose?—No; there would have been a collision if they had.

7454. Mr. *Assheton.*] Can you tell me whether the magistrates in your district usually enforce the laws relating to the highways; do they hear complaints against the surveyors for not keeping the roads in repair?—I suppose they do. There is a highway board, and I think everything passes through that board.

7455. Did you ever hear of anybody being taken before a magistrate for a breach of the highway laws?—I do not know. It is in our part of the country as it is in other parts of England.

7456. Did you ever hear of people in your country being fined for riding in their carts without reins?—Yes, I have heard of that constantly.

7457. Who adjudicates on those cases?—The magistrates, I suppose.

7458. Do they keep horses and carriages and carts themselves, most of them?—I should think they do keep their carriages. I know that many of them do.

7459. *Chairman.*] Do not all of them keep their carriages?—I do not know whether Mr. Allan does or not. I have never seen him in one.

7460. Mr. *Assheton.*] Are the magistrates not interested in the roads being kept in proper order?—Yes; everyone who passes on the road in vehicles is interested in having the roads kept in proper order.

7461. Do you think that magistrates are improper persons, because they keep horses and carriages, to hear complaints about a country road not being kept in order?—No; I should say that, passing over the roads, they would know whether the roads were in good order or not, and they would be able to judge whether the complaint was substantiated.

7462. That being the case with regard to the highway laws, why do you think that a justice of the peace, who is a member of the board of conservators, is not a proper person to administer the salmon laws?—Because those watchers are their own paid servants; that makes a difference; they are both prosecutors and judges, and they set the law in motion.

7463. What do you mean by saying that they are paid by them?—They are paid by the board of conservators.

7464. Not by individual magistrates?—No, they are paid by the board of conservators, and I object to those magistrates hearing the case of their own watchers.

7465. You are not aware that the magistrates are very frequently payers of rates to the roads over which they pass, are you?—Yes, but the overseers are not their servants.

7466. Whose servants are they?—Not the magistrates'.

Rev. *S. F. Surtees.*

17 May 1870.

7467. Are they the ratepayers' servants?—Yes, they are the servants of the parish.

7468. Are not the magistrates ratepayers in your country?—Yes, but a magistrate is only one of the vestry.

7469. You do not see any parallelism between the two cases?—Not the least.

7470. Mr. *Liddell.*] You object, if I understand you, to the fishing boards spending sums of money large or small in litigation?—Yes.

7471. Are not the fishery boards the authorities whom the law recognises as responsible for the salmon rivers?—Yes, they are appointed for that purpose.

7472. And are not those salmon rivers protected by laws specially framed for the purpose?—Yes, they are protected by laws specially framed for that purpose.

7473. Therefore I want to know the strength of your objection to their spending money in litigation, because I do not see how you would propose that they should enforce the law which they are constituted to carry out, unless they have power to spend money in litigation?—This money seems to come more or less out of the license payers, and it is not collected to be paid away in law. I pay large license duties, and my money ought not to be taken to fight me, surely.

7474. Unless you violate the law; but you do not wish to be exempted, you do not wish to claim as a private individual immunity from the law, do you?—No, I wish to claim immunity from money being spent for those special commissions.

7475. But I want to know what your own idea is with regard to the mode in which the persons, whom the law recognises as responsible for the execution of the law, should maintain their authority if they have not the power to spend money in litigation?—I am not speaking of maintaining their authority; I am referring to the inquiry before the Special Commissioners.

7476. That was an inquiry into the legality or illegality of a certain weir or dam?—Yes, that was so.

7477. That dam was obstructive to the passage of the fish, which the board of conservators are responsible for preserving?—Yes.

7478. You object to their spending money in carrying out the law in that respect, which declares that an obstruction to the passage of the fish is illegal?—No, it was not declared illegal. The trial was to see whether it was illegal or not.

7479. But it has now been declared illegal, has it not?—It depends on what you mean by "illegal."

7480. Have there been two distinct decisions declaring it to be illegal, and has not the result of those two decisions been to compel you to put in a fish pass?—No.

7481. Did you put in the fish pass of your own free will?—We put the fish pass there because the commissioners wished to have an opening in the centre of the dam, and we said we would make it at the side.

7482. Was there a fish pass of that nature before this litigation took place?—No; there was an opening in the lock.

7483. Was there an efficient fish pass in Dinsdale before this litigation took place?—No, certainly not.

7484. Then it was in consequence of the litigation, I presume, that an efficient fish pass was put in?—No; for we have offered for the last 10 years to put in an efficient fish pass, therefore you cannot say that.

7485. But to return to my original question: how do you propose that, if the fishery boards have no power to spend money in litigation, their authority should be maintained?—It depends on what litigation you allude to; whether you mean a trial before the Special Commissioners, or to common every-day litigation. I do not object to their spending money in paying a solicitor to prosecute summonses, but I do object to large sums of money being spent in this way.

7486. Will you kindly turn to Section 27 of the Salmon Fishery Amendment Act of 1865, Subsection 4, and read it?—"To take legal proceedings against persons violating the provisions of the Salmon Fishery Acts, 1861, 1865, or either of them, or for removing such weirs or other fixed engines as they may be advised are illegal."

7487. Unless they have the power of spending money in litigation, how can they carry out that provision of the Act of Parliament?—That is for removing dams that are declared to be illegal.

7488. But still, that duty being thrown upon them, you object to their initiating proceedings and paying for them to ascertain whether a dam is illegal or not?—Yes; I object to those proceedings before the Special Commissioners.

7489. And now you object to the constitution of the fishery boards themselves, do you not?—Yes.

7490. I understood you to say that fishery boards should be elected by three different elective bodies, that is to say, the several fishery owners, the upper proprietors, and the fishermen?—Yes.

7491. Would you make the vote or votes possessed by each of those bodies depend on either the amount paid for the license or the value of the fisheries they possessed?—In rivers where you could get it, I would give the riparian owner of a mill or a fishery of, say 20*l.* a year, a vote; something like it is on the Tweed, which I understand works very well.

7492. Suppose a man had a fishery of 20*l.* a year, and another of 40*l.* a year, would you give the 40*l.* man two votes?—Perhaps you might do so, but I would have as little cumulative voting as possible.

7493. You do not contemplate making the vote an *ad valorem* vote, I suppose?—No, not beyond a certain extent.

7494. You have stated that you are not on the board of conservators?—No, I am not on the board of conservators.

7495. Do you not think that your influence on that board might be very valuable with the knowledge that you possess, and the interest you take in the subject?—About the bull trout last year, I should have been very glad indeed to be able to do something.

7496. Might I ask why you, who take so much interest in this matter, are not a member of the board?—I cannot tell you.

7497. Has residence got something to do with it?—I have a residence down at Dinsdale, where I reside, and I have a fishery there.

7498. May I then ask you whether there is any special reason why you are not a member of that board?—The board are elected by the court of quarter sessions, and I object to the quarter sessions doing it.

7499. *Chairman.*] Have you ever directly or indirectly

ectly communicated to the fishery board desire to be placed on it?—Every one knows ve an interest in the river. The commis- rs and inspectors have corresponded with me hree years; who should I communicate with?

00. But have you or not communicated to ishery board your desire to be placed on it? rtainly not; who should I write to?

01. Mr. *Liddell.*] Should you like to be a ber of the fishery board?—I do not think, e board is at present constituted, I should.

02. With regard to the compulsory purchase eirs, I understand you to say that you object ive boards of conservators that power?—

03. Now, if the value of a weir in every case ld be received by the owner, would your ction vanish?—I do not see, in the first e, that you are sure of your value; I know value of our mill.

504. How do you mean that you are not sure our value?—I mean that we are not sure of aining the full value under the Lands Clauses

505. But if no compulsory power was given, l the law did not contemplate a board of con- vators seizing a weir, and supposing the owner each case to receive the full value for his pro- ty, would not that remove your objection?— he receives the full value of his property, cer- nly.

7506. I understood you to object also to the arge that would thereby be created on the hery board?—Yes.

7507. But that would be a question for the cretion of the fishery board itself, would it t?—We are very large license payers; suppose any reason the licenses should fall off, there parts of the river, like St. Goar, on the Rhine, ich would always be valuable because salmon ll come there. There are parts of the river they ll come to, and we should still be obliged to take t a license; we might be in the position of paying r own mortgages.

7508. But supposing you, as a proprietor, were member of the board, this matter might be ely left to you discretion, surely?—I think not. bject to compulory clauses altogether, it seems rd to takes a man's property away without his nsent, unless you give some very valid public ason for doing so.

7509. Do you not think that a little practice the fishery board might possibly induce you modify those opinions?—No.

7510. You said that you think the fish should taken in the mill pools in the best condition, the interest of the public market?—Yes.

7511. Would not that lead to the re-establish- ent of cribs?—Yes, cruives or locks.

7512. Do you wish to see the right to take h by cruives again in operation?—When we d cruives in operation we sent the fish to rket in the best condition possible.

7513. How many fish did you send to the awning grounds in those days?—Whenever e hatches were up in the close time the fish ed to go there in large numbers. The fry are creasing enormously.

7514. But you have almost the monopoly of e sale of good fish, inasmuch as you never let e good fish go past the crib; is not that so?—In e olden days, before the Act of Parliament was ssed, the millers never kept the close time.

7515. But what amount of clean salmon did the gentlemen above get when you took the fish in the cribs in those days?—There were very few pools for them to net them in.

Rev. *S. F. Surtees.*

17 May 1870.

7516. Do they never catch clean salmon with a rod above you?—Yes; but that has nothing to do with the public good in sending fish to market.

7517. Is there any reason why a man who catches a dozen fish a day with a rod should not send them to market?—They deteriorate when they are in the river; they are not in so good a state.

7518. That is a matter of opinion, is it not?—No; that is not a matter of opinion.

7519. Have you never heard that some gentlemen will not buy salmon until it has been in the river a certain time?—A short time.

7520. You say that a salmon that has been in the river for anything but a very short time is not so good?—Yes; it deteriorates the quality of the fish.

7521. Mr. *Knatchbull-Hugessen.*] With regard to the items you object to in the accounts of the board of conservators; do I understand you to say, that you think they have no source of income except the produce of licenses?—I do not know that they have.

7522. Is it not the case that any penalties as a rule are paid to the boards of conservators?—I think it may be, but I do not think the Act says that they shall be.

7523. Are not the words of the Act "where any penalty is recovered on the complaint of a board of conservators, or of any officer of, or person authorised by, a board of conservators, the court shall, unless for special reason they think it is inexpedient so to do, direct the whole of the penalty and the proceeds of any forfeiture to be paid to the said board?—I think that they go very often to the watchers and that they are not a source of income.

7524. Then again, the 58th section of the Act says, "where any person has been convicted of an offence under section 17 of the Salmon Fishery Act, 1861, he shall, in addition to the penalties thereby incurred, forfeit any net or moveable instrument used in committing such offence, and the convicting justices shall direct the same to be sold or destroyed, and the proceeds of such sale shall be paid to the conservators of the district;" are you aware of that?—I think it is very seldom that any nets are forfeited.

7525. But is there or not any subscription?—No; there is no subscription.

7526. The 27th section of the Salmon Fishery Act, 1865, sub-section 5 says, does it not, that the board of conservators may "generally execute such works, do such acts, and incur such expenses as they may deem it expedient to be executed, done, or incurred for the protection and improvement of the salmon fisheries within their district"?—Yes, "within their district."

7527. But the improvement of the salmon fisheries "within the district" may be effected in the first place by the acquisition of valuable knowledge outside the district to be imported into it, may it not?—Yes.

7528. Would you not draw a distinction between the words of an Act of Parliament which said that money should be devoted to the improvement of the salmon fisheries "within the district," and an Act of Parliament which said that the money should be expended within the district?—You think that there is a distinction between the two?

Rev. *S. F. Surtees.*

17 May 1870.

7529. There is a very broad distinction, I think; now, with regard to this entry which I find in the Board of Conservators' Journal of the Tees Fishery on Tuesday, the 25th of May 1867, when at a board regularly assembled, "The honorary secretary reported that a Salmon Fishery Congress would be held at South Kensington on Friday, the 7th of June, at 12 o'clock; Ordered, that Major Bell and the honorary secretary be advised to attend such Congress as representatives of the board, and be requested to bring under their consideration the injury to the Tees, especially the injury occasioned by the hush from the lead mines; were you acquainted with that order?—No; I never heard of that entry.

7530. Is it your opinion that, as a general rule, these dams are obstructions to the fish?—In this instance, they are a great advantage, since an enormous quantity of water has been abstracted from the river by Middlesborough and Stockton, and those iron districts, there is much less water in parts of the river than there used be. Ours is a rapid river with a very great fall and there would be times when the river would become very nearly dry. Our dam makes a pool about a mile and a-half up, and in that pool the young salmon can stay quiet and grow before they go down to the river, and if not they would be carried away by the first flood, whereas they now go down in separate shoals.

7531. You think that the river would be worse off without your dam than it is at present, do you?—Very likely.

7532. You have not got the board of conservators to agree with you about that, have you?—They do not think about intercepting the fry, they seem to think everything of getting the fish up; but the one thing is preserving the fry; the fish go up in quantities, and the dam has been there all the time, and yet you will see in the reports that the river is increasing.

7533. With regard to compulsory powers, if it could be shown to you that the value of fisheries elsewhere had immensely improved after the removal of dams, should you not modify the opinion that you have just expressed?—It would depend on whether they had an efficient pass or not. A dam with an efficient pass is no harm at all, and it may be of use.

7534. Has any efficient pass yet been invented; have you ever heard of any one that is efficient?—A great many have been put forward as efficient; I have not seen one, but I believe they can be made and will be made efficient.

7535. With regard to Mr. Cail's pass, have you examined that pass carefully?—Yes.

7536. Do you think that that pass would be efficient?—Mr. Cail tells me that he is quite certain it would be efficient, and that he will put it in at his own expense.

7537. Have you ever heard of other gentlemen who thought they had invented an efficient pass when unfortunately the result has not justified their opinions?—Mr. Walpole thinks that he can improve our dam, and Mr. Buckland thinks the same, and Mr. Wilson makes it perfect; and a great many other gentlemen are of the same opinion.

7538. I understood you to say that on general grounds you object to compulsory powers being given to purchase dams?—I do object to it on general grounds. There is a great disinclination to give those powers, and it would be very difficult to get a Bill through Parliament which had a compulsory clause in it; it was shown in the Sites of Chapels Bill, how strong that opi was, and if you do not give compulsory po for the good of souls, why should you give t for the good of salmon.

7539. You object, in the first place, on gen grounds, that is to say, on public grounds; also you object because you are satisfied the removal of dams would not, as a gen rule, be productive of so much advantage rivers as is supposed?—I am not sure but th ours was taken away the river would not ru too low a level. If there was an efficient made, that is what is wanted.

7540. And may it not happen that a da little value may act as an obstruction to a ri and considerable damage may be done to river by its existence?—It may be. It all pends, in my opinion, on whether they can or c not make an efficient pass.

7541. In such a case as that would you g the compulsory powers?—No, I would not g compulsory powers in any case to take a m property away without his leave.

7542. Do you think that the existence dam which prevents the fish reaching the spaw ing beds does or does not injure the property other persons living above the dam?—I thinl sufficient fish get up to spawn it is all you wa You may have too many, and in that case th may tumble over one another and destroy ova.

7543. Has that happened in the Tees?—N but there are as many up as you can possib want; the river is swarming with fry.

7544. Did you ever hear of the Bywell D on the Tyne?—Yes, that dam has been tak down and the river is getting worse.

7545. Is it getting worse from any circu stance connected with that dam, or from the fi ing at the mouth of the river being conducted a peculiar manner?—There is the fact that t river is getting worse, whatever may be the cau of it, since the removal of the dam, whereas o dam is there, and the river gets better.

7546. Did the river get worse soon after t Bywell dam was taken away?—The dam on before that was lowered three feet, and the riv deteriorated.

7547. But did it not increase very much imm diately after Mr. Beaumont's dam was removed —Yes; but the seasons vary so in salmon river

7548. You think that there is no general ru to guide us?—No, there is no general rule, a you cannot account for it.

7549. Suppose you had a board of conserv tors elected according to a plan which you cons dered fair, should you be satisfied then to giv that board power to make bye-laws?—I think ought to be even then most carefully guarded b the Home Office, or some one, and there ough to be some real, honest, valid appeal.

7550. Now, supposing you had a board o conservators so elected, a representative board and that they came to the unanimous, or almos unanimous, opinion that your mill was very much injuring the river, would you give them any means of proceeding against your mill?—I would then have a clause that those powers never should be exercised unless three-fourths of the body agreed to it.

7551. Would you give them compulsory power of purchase if three-fourths of the conservators agreed to it?—I would not give them compulsory powers at all, if possible; but if that was granted

I would

uld have it with the consent of three-fourths
body, and I would also have a qualification
ie Act of Parliament that no compulsory
rs should ever be put in force, provided it
l be shown that an efficient fish-pass could be
.

52. Is there any dam below yours on the
?—No.

53. Suppose there was a dam a couple of
below you that prevented the fish coming
you, should you not think that an injury to
property?—Not if they had an efficient

54. But suppose they had tried to obtain an
ient pass, and that it was the general opinion
they had not succeeded, should you not feel
as a hardship on you?—If a new dam was put
t would be a great hardship.

55. Why would it be a great hardship?—
t was a new dam it would be a great hardship;
where you have a dam that has been in ex-
nce for 100 years, the property is bought and
l together with the fishing power connected
h it.

56. You think that if a man holds land on
h sides of a stream, he has no right to make
of the milling power for his mill, unless he
had the user for 100 years?—For 60 years.

7557. You do not doubt that the existence of
h a dam as I have referred to, without a
per pass, would injure your property, I pre-
ne?—It depends on the height of the dam; I
ieve that fish can get over a four-feet dam as
y as possible.

7558. With regard to prohibiting fishing within
0 yards of a dam, do you not think that that,
ether unjust to the owner or not, would be
great protection to the fish?—They always
ch them easiest in the mill pool.

7559. But if the limit of 50 yards were ex-
ded to 100 yards, that would increase the pro-
tion to the fish, would it not?—It would pre-
nt us taking them at our other pool, as well as
e near one.

7560. And more fish would be preserved; but
u said something about the poachers taking the
h out, I think?—Yes; if you do not take them
t, it is said the poachers will.

7561. Do you not think that the watchers who
ercise such an unpleasant watch over you,
uld exercise a watch over the poachers?—I do
t think they do.

7562. But do not the watchers come on your
d more often than you like?—When I was
out there they did.

7563. Perhaps they would do so more than
e poachers liked?—They do not catch them.

7564. Do you suffer from poachers now?—I
ve heard of no complaints.

7565. Have you gone into the question of the
y in which you would elect those boards of
nservators?—Yes; I would have a qualification
use.

7566. You do not think that there would be
y jealousy or clashing between different in-
ests?—No, I think not, if they were fairly
ected, and the fishermen would be thoroughly
isfied; I believe that no people would be more
eased with an alteration in the constitution of
e board than the fishermen.

7567. Are there negotiations going on now
out your dam?—There have been negotiations
essantly going on about it; the matter is
fore the upper courts now on two appeals.

7568. Mr. *Whitwell.*] What is the rent of your mill?—£. 60 a year.

7569. How much land is there with the mill?—There is no land with the mill now; the farm and the mill I believe are separate; I asked the agent, and he said the rent is 60*l.*

7570. What is the height of the fall?—About 6 feet 6 inches.

7571. What is the height of the dam?—The engineer who built it is here; it is 7 feet 5 inches.

7572. Can you state the minimum volume which is supposed, at the lowest ebb of each tide, to pass over the weir?—No, I am not aware of that.

7573. Can you tell me what is the estimated horse-power of the wheel in ordinary states of the river?—No.

7574. Have you ever employed any one as engineer, to advise you how to improve and increase the value of your mill, and at the same time to admit the passage of the fish?—Yes; a very eminent engineer; Mr. Cail, of Newcastle.

7575. If I understand rightly the evidence before this Committee, the advice of the engineers has always been to modify things as they are now, rather than to take a broad view of the whole question?—Exactly.

7576. But you have not inquired of any engineer how the milling power could be saved, and the water still retained for the passage of the fish?—No.

7577. So that, at present, the consideration of the case has been dealing with things as they are, and not as they may be?—Just so.

7578. How did the Commissioners give their decision?—The Commissioners gave their decision in the year 1867 that there was to be a pass in the centre of the dam, and at the same time they said that if we had any other plan that met with their approval it might be modified. We called in Mr. Cail, of Newcastle, who gave a plan by which this pass, seven foot by four, was to be made on the Yorkshire side of the river, and that pass would have been, I believe, an efficient pass if the Conservators had not gone up to the Commissioners and persuaded them to take the pier away which was in the centre of the river, and broke the force of the water. Then about six months ago I received a letter from the Commissioners to prosecute an appeal in the upper courts, and there the matter stands, at present.

7579. You have done what belongs to you to do?—Yes.

7580. And in the meantime the plan which they recommended is unsatisfactory, you say?—Yes, they want to return to the original order of cutting a hole in the centre of the dam.

7581. So that you are in the position of a mill-owner who has been dealt with by the Special Commissioners, and is in a state of suspense?—Yes, I am in a state of great suspense.

7582. *Chairman.*] I think you have mentioned that you are the next in the entail of this Dinsdale property?—Yes.

7583. Where does your brother, who is now in possession, reside?—He is living in Gloucestershire.

7584. Near Bristol, is it not?—Yes.

7585. How long has the estate been in your family?—My brother came into possession of it about 30 or 40 years ago.

7586. Do you remember when it was acquired by your family?—I think my brother succeeded to it 30 or 40 years ago.

Rev. *S. F. Surtees.*

17 May 1870.

7587. It was by purchase from the first Lord Durham, was it not?—Yes.

7588. You have mentioned that you reside there occasionally?—Yes.

7589. Do you reside in the miller's house?—Yes; I have fitted up some rooms in the miller's house.

7590. When the appeal was before the Court of Queen's Bench, I think some affidavits were filed?—Yes.

7591. I see one is by Mr. Hodgson; he was tenant of the mill at that time, was he not?—Yes, he was tenant of the mill at that time.

7592. He states in the affidavit that he is the occupier of "Cornmill, messuage, farm and lands, together with the right of fishing for three miles and upwards in the River Tees." Was he tenant under your brother at that time?—Yes, of the whole of the property.

7593. He says that he held it under a lease for seven years from May 1860?—Yes.

7594. At a rental of 120 *l.* a year?—Yes.

7595. How much land does the farm contain?—If he had the farm, about 150 acres, I should think, but I really do not know.

7596. Was that included in the 120 *l.* a-year rental?—I do not know.

7597. Then if Mr. Hodgson swore to that effect in his affidavit, he was wrong, was he not; that he was occupier of the "Cornmill, messuage, farm and lands, together with the right of fishing for three miles and upwards in the River Tees"?—I think he had the whole thing. I don't know.

7598. Under a lease for seven years from May 1860, at a rental of 120 *l.* a year?—I suppose that was his rent. I have not the most remote idea; I never looked at my brother's accounts.

7599. But you know the rental of the mill now, do you not?—Yes, because it is separate now.

7600. What rent do you pay for the fishing?—I pay 40 *l.* a year.

7601. And 60 *l.* is the rent of the mill?—Yes.

7602. How much does the land let for?—I cannot tell you, it is not my land; I never interfere with my brother's accounts, I know that you offered to take it at a less rent, and we refused it.

7603. Do you know what rent we offered?—Here is the affidavit of Mr. Armstrong: Mr. Dodds "renewed his application to rent the fishing, and he said he would take the mill and farm, and his offer was not accepted, as the present tenant offered more advantageous terms."

7604. You do not know what the rent was?—No.

7605. How do you occupy the fishery?—I and the men go shares.

7606. May I ask the names of the men that you employ; is Ralph Harrison one?—Yes.

7607. And Mr. Goldsborough another?—Yes, Tommy Goldsborough, I think, they call him.

7608. Is he commonly known by the name of "Spink"?—No, I never heard him called by that name; I think there are two brothers.

7609. Have you ever heard him called a poacher?—No, I think you are confusing the two men. I think you will find that his brother is known by the name of "Spink."

7610. Is he Mr. Goldsborough of Neasham?—That I cannot tell you, they give me half of the fish they catch, and take half themselves.

7611. Has Ralph Harrison ever been summoned before the magistrates, for infringement of the law?—Yes.

7612. I suppose the watcher does not look after them when you are absent?—That is one of the things I complain of; that is to say summoning frivolously.

7613. Was there not a great conflict of evidence before the magistrates?—No; none there was a clear alibi.

7614. But the evidence was conflicting, was it not?—No; the whole of the magistrates dismissed the case at once.

7615. Were you present?—No; but I know there was a clear alibi proved.

7616. The evidence of a policeman and another witness being given on one side?—Yes, and the evidence of a man who was draining there from a distance, and was sleeping in the house, and two others being given on our side.

7617. Have you had any experience of the working of any other fishery board except the Tees Fishery Board?—No.

7618. Are you a member of any fishery board in Yorkshire near your own residence?—No, I think there are none.

7619. Not in Yorkshire?—Not in our part.

7620. Have you a copy of the letter that you sent to the newspapers last year with respect to the appointment of fishery boards?—Yes, I have it somewhere.

7621. Was that letter addressed to the magistrates of Yorkshire in anticipation of an appointment of conservators being about to be made?—Yes.

7622. Were the various places mentioned in that letter all in Yorkshire?—Yes.

7623. You have not been elected a member of any of those boards?—No, I have not.

7624. You say that you do not care to be a member of the Tees Fishery Board, as at present constituted; what is your objection to the constitution of the board?—I think the kind of feeling of antagonism there is there would not make it pleasant for either party.

7625. Am I right in supposing that that board comprises every leading landowner, nobleman, and gentleman having property on the banks of the River Tees?—I should think if it took 80 of them it would take almost everybody.

7626. Have you not seen the list of members?—Yes, I have seen it.

7627. Do you know any important landowner whose name is omitted from that list?—No.

7628. Do you know whether it is the fact that that list was framed so as to include every landowner or representative of every landowner as far as practicable?—No, I know nothing about it.

7629. Was Mr. Charles Armstrong a member of the board?—Yes.

7630. Why was he appointed; was it because he was your brother's agent?—I should say most probably. I know of no other right he would have to be a member of the board.

7631. Do you know of any other right?—No. I think that is very likely.

7632. Your brother's name is on the board, is it not?—Yes, and always has been.

7633. Is the name of your relative, William Edward Surtees, also on the board?—There are one or two of the Surtees on the board, but I do not know about him.

7634. Have you ever heard that the constitution of the board was complained of by any other person than yourself?—I know others have complained that it does not work well.

May I ask you the names of those who complained?—Some gentlemen have said y think the whole thing does not work at I am not going to tell you their

Have you ever heard of any complaint ade at any time to the board itself?—No.
You have spoken of there being some sm between the upper and lower proprie- Yes.
Has that antagonistic feeling manifested any of their meetings at any time?— themselves? I think they have prose-
Has there ever been any antagonism at their meetings?—I cannot say; I know . Headlam has objected to some things; never been there.
Can you state any reason to the Com- or your allegation that there is a conflict n the upper and lower proprietors?—I know, specially on the River Tees; I say whether there is or not.
Has Mr. Headlam ever made a propo- o that board that has been overruled?—I know that he ever made any proposition I never heard that he did.
You have spoken of the offers that have nade from time to time to take the mill; nose offers been made repeatedly?—Three
But those offers have never led to any ?—Never.
Is there any power at the present time the dam, in the event of your coming to an nent with the fishery board?—I do not about that; I do not know what runs with tail.
Will you look at the last paragraph of ter which I hand to you, and read it out? ys, "Mr. Surtees has no power to sell any the Dinsdale estate;" but I do not know the dam.
But is not the dam part of the estate?—
Is Mr. Armstrong right or wrong with to your power to sell?—I should say that s power to sell.
Is there?—There is power to sell.
Then Mr. Armstrong was mistaken in ing that there is not power to sell?—I e so.
Unfortunately Mr. Armstrong is dead, ot?—Yes.
On what authority do you state that he l to attend our meetings?—He told me so f at the first meeting, after 1867 trial; I l him very much to go.
What ground did he allege for not at- g?—He used a strongish word, and said ings did not go on smoothly.
Are you aware that before the passing Act of 1865, there was a landowner's tion formed upon the River Tees?—Yes.
Does that purport to be a report of the dings at the annual meeting (*handing a to the Witness*)?—Yes, for the year 1862.
Will you look on the fourth page of that do you find among the list of subscribers me of Henry George Surtees, Esq., Dinsdale, 3 *d.*?—Yes; he withdrew his subscription ards.
Perhaps that was for the reason which s on the second page; that Mr. Hodgson, 52.

of Dinsdale fish locks, was prosecuted; was not that so?—Very likely.

7657. Do you find on the fourth page a statement of the receipts and payments of the association?—Yes.

7658. Did you or your brother receive a copy of that?—I cannot answer that question; I know that he never attends to anything of that kind.

7659. Do you know that until the dissolution of the association on the formation of the Tees Fishery Board after the passing of the Act of 1865, those accounts were regularly published?—I should say so; I have seen some later than that.

7660. Did you see the list in the year 1866?—Yes.

7661. Will you kindly refer to the year 1866 (*handing a paper to the Witness*)?—Yes; this is for 1865-66.

7662. Do you find in that account any expenses except the ordinary expenses of printing and payment to watchers, and so on?—No; printing and advertising.

7663. Mere payments of that kind?—Yes.

7664. Are you aware that from the formation of that association in October 1861 to its dissolution, I acted as honorary secretary?—It says so.

7665. But are you aware of that?—I am aware of it. You were not paid, I believe.

7666. Are you aware that I have since continued to act as honorary secretary to the Fishery Board under the Act of 1865?—I believe so.

7667. Are you aware that my services throughout the whole of that period have been entirely gratuitous?—Yes, I suppose so; at least, you have not been paid directly.

7668. Are you aware of the fact?—I cannot be aware of it because I have nothing to do with the Tees accounts.

7669. Do you find in the copies of accounts which you have got there, or which your friends have got, any payment made to me except the one you have mentioned?—No, not at all.

7670. Is it the fact that, by arrangement between your brother, Mr. Alfred Surtees, and myself, Mr. Longstaffe was appointed by us jointly to examine certain ancient documents among the Records at Durham?—He was to bring them up, and whatever appeared in his writing was to be taken as evidence, but he examined for each of us separately.

7671. But it was agreed between us, to save expense, that his extracts should bind both of us, was it not?—Yes, whatever was in his writing.

7672. And that it should be received in evidence?—Yes.

7673. Was not that done with a view to save expense?—Certainly, we proposed that it should be done.

7674. You made searches yourself at Durham, did you not?—Yes, I made a good many searches.

7675. You were at Durham for a considerable time making searches, were you not?—I was there for a day or two.

7676. Do you allege that the sum paid to Mr. Longstaffe was an unreasonable or an excessive one?—I think Mr. Longstaffe's services are very valuable anywhere.

7677. Will you kindly answer my question. Do you allege that the sum paid to Mr. Longstaffe was an unreasonable or an excessive one?—I do not know what he did for you, I know we paid him much less; I never see the accounts.

 7678. You

Rev. *S. F. Surtees.*

17 May 1870.

7678. You mentioned the item of counsel's fees, 47 *l.*?—Yes.

7679. Are you aware that before that inquiry took place at Darlington, I offered to your brother, he being a London solicitor, that he should attend to conduct your case, and that I should attend on behalf of the Fishery Association without any counsel whatever?—Yes, I think that showed the opinion of the Tees Board, that they thought it was nonsense having counsel learned in the law, before the Commissioners.

7680. Did your brother decline our offer?—I suppose, so, as we had a barrister; yes, he declined it.

7681. Did he afterwards inform me in a letter, dated the 12th March 1867, that there would only be one counsel?—Yes.

7682. Did you afterwards take two counsel down from London to attend that hearing?—I had one counsel, and my brother had another.

7683. Can you ascertain and inform the Committee what amount was paid to Mr. Hughes, one of the counsel?—I can.

7684. How much was it?—Thirty guineas and a refresher.

7685. How much was it altogether?—Thirty guineas, and a refresher of 11 guineas.

7686. How much was paid to Mr. Philpotts?—Eighteen or 20 guineas.

7687. You think that power to try cases in either of two counties should be given to the defendant as well as the plaintiff?—Yes.

7688. What would be the effect of that in your own case?—The case would have been tried at Yarm instead of Darlington.

7689. Are not some of the gentlemen who sit at Yarm the same as those who sit at Darlington?—They are not the same, I think.

7690. There is the Reverend John William Smith; does he not sit at Darlington?—Yarm is not his division.

7691. Does he not sit at Yarm?—I do not know that.

7692. Is he not a magistrate for the North Riding of Yorkshire?—I do not know.

7693. Nor Colonel Scurfield?—I do not know.

7694. Nor Mr. Allan?—Most probably; but I do not know.

7695. You do not know that the change you propose would be virtually taking the parties before almost the same magistrates?—No; I should say that there would be a different bench at Yarm, certainly.

7696. You were asked by the honourable Member for Westmorland with regard to certain cases that came before the Special Commissioners at Darlington; I believe you attended the hearing at Darlington, did you not?—Yes.

7697. With regard to what you said of Lord Zetland's nets; have you looked at the 11th section of the Act of 1861, with regard to fixed engines, the marginal note of which is "Penalty on placing or using fixed engines"?—Yes.

7698. That section imposes a penalty on placing or using fixed engines; is there a proviso to this effect, "But this section shall not affect any ancient right or mode of fishing as lawfully exercised at the time of the passing of this Act"?—I have not got the section before me; I suppose there is.

7699. Are you aware that in consequence of that proviso, it became necessary to ascertain whether those stake nets were legally in ex ence before the passing of that Act?—The spector's report says that they were declared ill by the 11th section.

7700. Does not that 11th section declare th illegal, provided that it shall "not affect ancient right or mode of fishing as lawfully ercised at the time of the passing of this Ac is that so?—Yes, I see it is so here.

7701. Are you aware, therefore, that it came necessary to inquire whether those st nets, although they might have been dis tinued, were lawfully exercised when the Ac 1861 was passed?—They were put up wit our own memory; they could not have been "immemorial" usage.

7702. But are you aware that it bec necessary to ascertain the fact?—No, certai not.

7703. You were at Darlington on the 4th April, were you not?—Yes.

7704. Did you hear the case, and are y aware that there was a formal inquiry to those stake nets in the police court Darlington on the 4th of April 1867?—T were adjudicated upon at that time by the Spe Commissioners.

7705. And there was an order made, w there not, that they should be abated and remove —I suppose it was so. I cannot remember.

7706. "Be it remembered, that the Ri honourable the Earl of Zetland, being ow of certain fixed engines for catching salm called stake nets, was required to appear bef the Commissioners at Darlington, on the 4th April 1867. We order that the said Thomas E of Zetland shall abate and remove the said st nets on or before the 6th day of September 186 Are you aware that the Commissioners m that order?— I did not hear it, but I have doubt about it.

7707. Did you hear the judgment pronounc —I heard the evidence.

7708. Did you hear similar evidence with gard to the stake nets claimed by Mr. Milbar one of the honourable Members for the No Riding?—I do not remember any evidence at Lord Zetland's solicitor told me that he did appear.

7709. Did he tell you that his Lordship h been duly summoned?—He told me what I ha stated. I went and saw him myself.

7710. Do you know that a similar order w made in the case of Mr. Newcomen?—It m have been so. I suppose it was so.

7711. Are you aware that there was an quiry at that time with regard to fish bo and fish locks or cruives in the River Tees, l longing to Sir Clifford Constable?—Yes.

7712. Did Sir Clifford Constable appear? His lawyer did.

7713. Or his agent?—Or his agent.

7714. Did Mr. Cradock also appear with gard to some locks belonging to him?—Yes.

7715. And were his title-deeds produced als —Yes, that is one of the things I complain that Sir Clifford Constable's title-deeds were n produced; that is to say, that the same law w not meted out to Sir Clifford Constable whi was meted out to us by the Special Commi sioners.

7716. Are you aware that Sir Clifford Co stable consented to an order from the Commi sioners, that his locks should be removed?— ha

ot here the evidence saying that it was

. The lock at Ovington?—The lock at on, but not the Whorlton one.

. Did he not prove that the Whorlton one lid?—No, he only proved that it existed ie year 1829. The only documentary evi- that Sir Clifford Constable produced was existed from the year 1829, whereas we bliged to produce title-deeds for hundreds s, and it was a most wrongful thing in my n.

). Your case occupied some time, did it -It lasted for three days.

). At the end of the case, did your counsel ain in any way of the conduct of the Spe- ommissioners?—I did not hear him.

1. Did you hear him thank them for the esy he had received?—Yes, he said that he lways met with the same courtesy, both on evern and elsewhere.

2. Was any complaint made during any of the time of any discourtesy on the of the Special Commissioners?—No, they d to one another.

3. But judgment was not pronounced in matter, until the end of the month of May, ieve?—No, it was a long time after.

4. I am not going to ask you any particulars, you said that your tenant, Hodgson, was so yed by the summonses that he was obliged ave?—Yes.

5. Had you any dispute with him with re- to whether he was entitled to any allowance r his lease in consequence of the change of —No, not that I know of; we said that he bound by his lease to pay all the penalties.

6. And he disagreed with you, did he not? es, he disagreed with us.

7. There were then other causes besides annoyance of his being summoned by the ery Board which induced him to leave, were e not?—It was about the summonses that he

8. It was not about our issuing the sum- ses, it was about who should pay the penalties he left, was it not?—He said that it was in equence of there being so many summonses; as always up at Darlington.

9. We have heard of one case where there an appeal to the Court of Common Pleas regard to a summons that was heard at Dar- ton?—Yes.

30. Was there a second case of that kind in Court of Common Pleas?—Yes.

31. Did the Court in that second case con- the conviction?—They were sent back on e amended case; I cannot explain the legal ts.

32. But did the Court of Common Pleas the nd time decide that that conviction at Dar- ton was right?—The first case was sent up ie magistrates again, and came back amended, that was quashed, I think.

33. But it was confirmed on its merits first l, was it not?—Yes, quite so.

34. You made a complaint that in the case Mr. Hodgson, the Court of Common Pleas irmed the conviction of the magistrate?—I state what the judges said, if you please; recommended us to take the sluices away.

35. You have stated that the stake nets of Tees Conservancy Commissioners had been ared illegal by the bye-laws of the Tees Con- servancy Commissioners made many years before? —Yes.

Rev. *S. F. Surtees.*

17 May 1870.

7736. Do you mean to tell the Committee there were ever bye-laws in existence made by the Tees Conservancy Commissioners on that subject? —The bye-laws of the Tees Conservancy Commissioners were rejected, and Mr. Justice Williams disapproved of the bye-laws; and if he disapproved of the bye-laws, there must have been bye-laws to disapprove.

7737. Proposed bye-laws you mean?—I am quoting your own words.

7738. Are you quoting from a pamphlet just published?—I am quoting from your evidence.

7739. Has this pamphlet, which I now hold in my hand, been published by you?—Yes.

7740. Bearing upon the imprint, "Ordered by the House of Commons to be printed"?—It is "extracts from" the evidence.

7741. But it contains a great deal besides what the House of Commons ordered to be printed, does it not?—That is my pamphlet; I will make any admission you like.

7742. Does it contain a good deal of matter that has not been ordered by the House of Commons to be printed?—There are other things besides the extracts which the House of Commons have ordered to be printed.

7743. Do you, in respect of the Dinsdale dam, make any payment to the adjoining riparian owner, Sir Edward Blackett?—Sometimes we do, and sometimes we do not.

7744. Is there an old agreement existing between Sir Edward Blackett's ancestors and the former proprietors of your property to make an annual payment to him?—Yes.

7745. Has that payment been made up to a recent period?—Sometimes it has and sometimes not; I do not interfere with my brother's payments.

7746. But can you inform me whether that payment has been made to Sir Edward Blackett up to a recent period or not?—I do not know; yes, I find that it has been paid.

7747. Up to a recent period?—Up to a recent period.

7748. Do you, of your own knowledge, know that that payment has been made within a recent period?—I do not know, of my own knowledge, that it has been made within a recent period, because it is my brother's private account, and therefore I do not know; I daresay it has; my brother now says it has been paid; yes, it has been paid.

7749. Are you aware that the summons of which you complain, to produce documents, was obtained at the instance of the Tees Fishery Board, and was merely signed by the Special Commissioners in the ordinary course?—I suppose so.

7750. Mr. *Pease.*] I think you lately used, in your evidence, a word that you would rather withdraw; could you tell me when the late Mr. Armstrong died?—I should say about two years ago.

7751. It was two years ago, was it?—Yes.

7752. You are aware that in the year 1866 he was appointed one of the Tees Fishery Board, are you not?—Yes; the meeting I alluded to was the one that was held in the year 1867; just after the judgment, he said he did not like to go. I think I ought not to have used the word "abusive."

7753. I believe that many of the gentlemen on that committee are your personal friends, men

Rev. *S. F. Surtees.* 17 May 1870.

with whom you are acquainted?—Yes; I am very sorry I did use that word.

7754. You have stated also that the watchers did not work with your people?—Just so.

7755. Have your people done anything to help the watchers?—What I mean is, that there is no proper feeling beween them; and if they had come to them, I should say they would work together.

7756. On whichever side it has arisen, there is a feeling between them?—Yes; since the time when they took our fish away, the men did not like it.

7757. May I ask what is your opinion with regard to water-bailiffs having power to cross the lands of riparian owners?—I have not objected to that for years past, but I think they ought not to do so without there is reasonable cause of suspicion if they are objected to. I think the Scotch system is very fair. No landowner would object to the water-bailiffs coming on their land if there was reasonable grounds of suspicion.

7758. But when we are drawing an Act of Parliament, how could we specify what constitutes reasonable ground of suspicion within the four corners of the Act?—I think that the Scotch law is a very good one.

7759. But suppose a bailiff wants to go from point to point, and he has to cross an intervening owner, and there is no suspicion with respect to the intervening owner, would you allow him to cross that owner's land?—It is very difficult to say.

7760. Then does it not come to this, that you must give the water-bailiff power to traverse the banks of rivers?—Yes; the Scotch law, as I have already stated, is a very good one, which is to the effect that he may traverse the banks of rivers unless ordered off; I would give him the fullest power unless ordered off.

7761. Are you aware that at the foot of your dam there has been a great deal of illegal fishing?—Yes; in the olden days there has been extraordinary quantity.

7762. I mean within the last few years?—Y a few years ago, there is no doubt of it.

7763. Did you appoint, to look after t fishery, a man of the name of Harrison a another of the name of Goldsborough?—Yes.

7764. Do you recollect a gentleman resid in the neighbourhood being brought up bef the Darlington magistrates for snatching at t foot of your dam?—I heard of that, but it was n in my time. I do not even know his name.

7765. Does not that case rather shake yo view with regard to the propriety of prohibiti fishing at the foot of your dam?—No. Th call it angling; it is not netting.

7766. Does it not rather go against your vie that fishing should be allowed up to the very fo of the dam?—No, I think not in any way. think that that is a perfectly exceptional case.

7767. But are you not aware that such anglir is very liable to be abused?—Yes, very often is by the stroke-haulers. But I think that the ought to be put down, and we did put the down.

7768. You complained very much of having t fish with the water-bailiffs walking behind you —Yes.

7769. And you said that it was a thing whic was not very pleasant?—Yes. They come dow right upon me as if I was a suspicious character.

7770. Do you think that any man who is fish ing fairly minds a water-bailiff walking imme diately behind him?—I think you would be in clined to fling him into the river.

7771. Have you ever fished in any of the Irish streams?—No.

7772. Have you ever read in the Irish Fishery Reports that the bailiff hardly ever leaves a man from the time he begins to angle to the time he leaves the water?—No, I never heard of that.

Mr. THOMAS GARNETT, called in; and Examined.

Mr. *T. Garnett.*

7773. Mr. *Assheton.*] YOU are senior partner in the firm of Garnett & Co., are you not?—Yes, I am.

7774. You are cotton manufacturers at Lowmoor, Clitheroe?—Yes.

7775. You were also one of the parties in the cases of Garnett *versus* Backhouse, were you not?—Yes, I was the representative of the firm there.

7776. I believe that you have taken great interest in salmon fisheries for many years?—For more than 40 years.

7777. Were you a member of the Ribble, Hodder, and Calder Fisheries Association?—Yes, I was a member of that association from the commencement.

7778. When was that association commenced?—I think it was commenced about the year 1856, or perhaps after; but I do not remember.

7779. It remained in existence until the passing of the Salmon Fishery Act, 1865, did it not?—Yes.

7780. In the year 1865 the Act came into operation whereby boards of conservators could be formed?—Yes.

7781. You are now a member of the board of conservators?—Yes, I am a member of that board.

7782. And you have been a member of it ever since its establishment?—Yes.

7783. Now, just one question about the association; I think at one time the association took several fisheries in the estuary of the Ribble?—It did; that was from the year 1857 to 1864; I remember particularly that they had a fishery in the year 1859, for particular reasons, which I will give the Committee, if they wish.

7784. Do you think that that class of fisheries has been benefited by the Act of 1865?—Not permanently, and for this reason: we had in the years 1865 and 1866 a very great increase of fish, so much so that the water-bailiffs represented the catch of 1866 as 15,000 salmon, but it led immediately to a very great increase of nets, and from either that cause, or because the weather has not been so suitable, there is not a tithe of the fish now that there was then.

7785. I think I gather from your evidence that you state that the Acts of Parliament passed in the years 1861 and 1865 have to some extent benefited the salmon in the river?—I thought so at one time, but it led to abuse, as I consider, and to so great an extension of the fishing in the lower reaches of the river that I do not think the upper proprietors derive any benefit from it; whether the lower proprietors do, or not, I have no

) means of ascertaining; but you, as an owner a fishery, would perhaps be able to say.

7786. I think I understand that you have come ere to-day to state to the Committee the various terations which you think ought to be made in he salmn fishery laws?—Yes

7787. Then first of all I will ask you, are there iv alterations with regard to fish passes that you ink ought to be made?—I do not think there any alteration that I can suggest in the law ith regard to fish passes, but I think they re much misunderstood. Perhaps the Committee ill let me explain what a really good fish pass in iy opinion is. This is a plan of a fish pass on a ale of ½ inch to a foot (*producing a model*). An fficient fish pass requires, in my opinion, three ssentials; first, there should be a predominating urrent through it; secondly, that the fall should e as low as practicable; and thirdly, that that urrent after passing through the pass should ake such a direction that from whichever point he fish came they should get into that predomiating current, and be led into the pass. Now, I say, here is between this beam of timber and the sill a un of 63 feet and a fall of 3 feet; consequently here is a fall of 1 in 21, which is very much lower han any other fish pass that I have ever heard f in the kingdom; and the consequence was that n the year 1866, when the Special Commissioners were sent down, there had been, when they came bout the beginning of October, a flood for 28 lays, and if the fish pass had not been practicable, s there were no nets in the river all the way down, there ought to have been a great accumuation of fish at the foot of my weir; but there was not one, which clearly showed that my pass was efficient.

7788. That is a model of your fish pass before he recent alterations that were made under the directions of the salmon fishery inspectors, is it not (*pointing to a model*)?—Yes.

7789. It does not represent your fish pass as it s at present?—No; the principle is the same, however; but they elevate the beam so that the fall which was only three feet is still less now.

7790. The inspectors in their recommendation ordered the baulk of timber to slide horizontally, did they not?—No, to drop like the leaf of a book.

7791. Did not the inspectors order this piece of timber to be made to slide horizontally?—No; but they recommended, instead of that, that it should be a modification of what we have here, so that a peg passes through the pin, and when the pressure of the water goes beyond a certain point it drops down again. The inspectors wish the fish pass made in the same way instead of sliding.

7792. Have you got with you a copy of the plan authorised by the fishery inspectors?—Yes (*producing a plan*).

7793. That is a plan of the sluice which is to admit water, is it not?—Yes; that is for collecting the water; the sluice, in the first instance, was recommended to be seven feet broad; but the recommendation originally was for a falling plank.

7794. I want you to tell me whether this is a tracing of the alterations which have been carried out?—The alterations have not been carried out.

7795. The alteration in the sluice is not complete?—Just so.

7796. Is it begun?—No.

7797. You have stated that you consider your fish pass was one of the best passes in the kingdom, previous to these alterations?—Yes, I do; and I still consider it so.

Mr. *T. Garnett.* 17 May 1870.

7798. You complain that, notwithstanding that, you have been put to an expense of 400 *l.* in defending your rights?—Yes; which I thought was very unreasonable, as our opinion was backed by the opinion of the judges that we were quite within the law, and that the commissioners had no business with us at all; that, in fact, we were not a fishing mill-dam.

7799. Do I state the case of your dam briefly, when I say that the commissioners ordered certain alterations to be made in it; that you appealed against their decision to the Court of Queen's Bench, and that the Court of Queen's Bench overruled their decision on the ground that your dam was not a fishing mill-dam?—Precisely so.

7800. And you complain that you have been put to a good deal of unnecessary expense?—Yes.

7801. Do you see any means by which persons in your unfortunate position can be shielded henceforth from such expense?—I see a mode by which the risk would be very frequently lessened, namely, if people were sent to inspect dams who understood anything about them, which the Special Commissioners, I think, did not; I find a recommendation of a fish pass now which has been taken from Mr. Paterson; Mr. Paterson only includes one of the four essentials, and he even misunderstands that; he recommends a two-foot opening. Now, a two-foot opening would not give a predominating current, and a six-feet opening can be as well spared when there is abundance of water which is the only time when the salmon are running as a two-feet opening; six feet would give a predominating current, but this is 17 feet in my model here.

7802. You think that the salmon do not run except when there is a fresh in the river?—Precisely so; I have a letter here from Mr. Buist, and Mr. Eastwood, Colonel Townley's agent, who is in the upper reaches of the Hodder, where there is not a single weir from the source to the sea, in which he tells me that in the year 1868 he only caught two salmon, and I think he told us at the last meeting of the board that he had only taken two salmon in the year 1869. I have the evidence of 20 people who know anything about it, that salmon have no upper migratory instinct at low water, and therefore there is no necessity for any antagonism between the millowner and the riparian owner; because the millowner can always, if he has a proper fish pass, give an opening to the fish at the very time when they want to run; and at low water they have no upper migratory tendencies. I have seen the fish remain in the pool below our weir, though the pass was open every evening at low water, until they were blind, and they had not the slightest migratory tendency.

7803. You and I have met together at the board of conservators?—Yes.

7804. Though we have been at war with you for some years, we have managed not to quarrel with you, have we not?—It was a very amicable battle that we had, when we had one.

7805. Do you think that the present method of constituting boards of conservators is a satisfactory one?—No, I think that they ought to be chosen by the riparian proprietors.

7806. And not appointed by the court of

Mr. *T. Garnett.*

17 May 1870.

quarter sessions?—And not appointed by the court of quarter sessions. I think they might confirm the appointment if any valid reason could be adduced for their interfering, but as a rule I think they should be chosen by the riparian owners, and licensees of the Fishery Board.

7807. Have you any suggestions to make to the Committee with regard to the present annual close time?—No; but I have suggestions to make with respect to the weekly close time.

7808. You think that the annual close time will do, do you?—I think the annual close time will do. But with regard to the weekly close time, my opinion is that unless you can give the upper proprietors a much better supply of fish than they now get, you may give up all idea of legislating successfully for salmon. Perhaps, in your wisdom, you may devise a better plan than I can suggest, but my own idea is, that the estuary fishers ought to cease a month before the river fishers, but that would be merely removing the evil from the estuary to the river, unless you limit the power of river fishing to so many days or hours a week. It would be no advantage to me, or those above me, if the estuary proprietors were prevented from fishing from the 1st of August, and a man five miles above the tideway was to step in and take all the fish.

7809. Do I gather from your evidence that you think the present weekly close time ought to be extended?—Very materially.

7810. How much, in your opinion, ought it to be extended?—It ought to be extended very materially; you ought to stop the net fishing every night.

7811. Would you propose to stop all netting at night?—Yes, I would stop all net fishing at night, or what is equivalent to it; if you stop the estuary fishing a month before the river fishing, and you limit the river fishing, you would give a supply to everyone.

7812. Mr. *Liddell.*] You are speaking of net fishing, are you not?—Yes, I am speaking of net fishing, not rod fishing; rod fishing will never do any great harm. I have a register of the number of days that we have been able to give through our fish pass for 33 years, which is corrected at the end of each week. In the year 1838, from July to December, and so on, the average is somewhere about 180 days, or parts of days, in the year, that we have been enabled to keep the fish pass open, and still not injure the supply of water to the mill.

7813. *Chairman.*] Can you put a statement of that on a sheet of paper, and send it in to the Committee?—Yes, I will do so. I wish to produce a photograph of the weir when the pass is open (*handing in a photograph*).

7814. Mr. *Assheton.*] I think you have no objection to a millowner having to abstain from fishing within a certain distance of a weir?—No, I do not object to it being prevented for a short distance, because the fish may, in some instances, assemble there; but I do object to his being prevented from fishing above the weir, and for a great distance below.

7815. What distance below would be reasonable, in your opinion?—I think 50 yards is a very good distance; but, for the sake of peace, I would say 100 yards.

7816. Is that the law as it stands now?—The law is now 50 yards.

7817. You think that it might be extended to 100 yards?—It would interfere very seriously with my fishery, and some of my friends would be totally deprived of fishing; yet I would recommend a moderate limit below the weir, within which they should not be allowed to fish.

7818. Do you think that fishing for trout ought to be curtailed?—Yes, it ought to be curtailed. I think that fishing for trout in salmon rivers is a very serious injury to the salmon fishery; even if a man is honest enough to return to the water all the smoults he catches, he must still kill hundreds by taking out the hook from them; if trout fishing were curtailed until the middle of May, in most instances the smoults would have gone.

7819. What do you think the trout fishermen would say to that?—They would object; but if the public were benefited, we are not here to consider or think of other people. I know that the trout fishermen in the upper parts of the Wharfe and Ribble would be very sorry to see salmon among them; it has entirely destroyed our trout fishing, at least the salmon or something has done it, for our trout fishing is worth nothing whatever, partly owing to the great increase of pike, and perhaps partly to the establishment of the heronry, and partly because I think that the salmon smoults eat a great deal of food which would otherwise support the trout.

7820. Has your attention been called to the system of haaf netting on the river?—Yes.

7821. How long has that system been in use?—I have no idea; I have brought a small sample of a haaf net to show the Committee, and also a sample of the trammel net, for I believe this was in the mind of the Legislature when they said that two nets should not be placed before each other, so that you should practically diminish the size of the mesh.

7822. I think we have had samples of the haaf nets and trammel nets before the Committee; but the Committee would like to see the mode of using the other nets?—I will show the Committee these (*producing two joined nets*). One of the nets, it will be seen, is black and the other white, and the knot of one is put in the centre of the mesh of the other, so that it diminishes each mesh to one-fourth of the size. I think that was what the Legislature wanted to prohibit. The trammel net does not do it; it is very usual to make the outside walls of a trammel net into a mesh of 10 inches. The legal mesh for salmon is two inches, consequently there are five times five for one, and two inches for the other. But, besides that, the inside sheet of the net ought to be made twice the length and twice the breadth of the outside wall. Consequently there are 100 meshes of the inner sheet for one of the other, and how it can be said to be "practical," when there is only one to a hundred, I cannot understand, if "practically" means effectually.

7823. Do you think that the trammel net should be made illegal?—If you wish to prohibit the net because of its efficiency, there is no doubt the trammel net is far more efficient than the other; but I think it ought not to be knocked on the head on unfair grounds; and for the same reason I think that a gentleman sportsman would recommend that only the old flint guns should be used on the limits of the manor.

7824. Do you think that all those questions with regard to the kind of net to be used are questions that might be settled by bye-laws by some local authority?—No, I think not.

7825. Do you think that those questions ought to be settled by a general Act of Parliament?—Yes;

s; I think they ought to be settled by a neral Act of Parliament.

7826. What kind of size of mesh do you think ght to be settled by Act of Parliament?—My swer will in a great measure depend on nether you mean to give the upper proprietor a ry much increased length of weekly close time. you do, I should let him have the mesh as it because he can catch morts and sprods with but if he is not to have an extension of the eekly close time, you must increase the size of e mesh to three inches.

7827. That is to say, in order to give the pper proprietors a fair share of the fish?—Yes, order to give them a fair share of the fish.

7828. You think that at present they do not et a fair supply?—I am sure they do not. I ave here a Paper, which is made up from my wn books, of the number of days in each year, rom the middle of May, when the salmon begin o run in the Ribble, to the end of August, when the netting season ceases, and from the year 850 to 1859 inclusive, when the river was in a ondition for the salmon to traverse it, and it does ot average much more than nine days for the upply of 100 miles of river.

7829. I believe that in the year 1850 there were only 192 hours in which the fish could travel up the Ribble?—That is so; from noon on Saturday to six o'clock on Monday morning; because the nets in the estuary were kept so constantly plied, that those were the only lucid intervals, so to speak, in which the fish could get up.

7830. Mr. *Liddell.*] This table has only reference to the weekly close time, I presume?—It has only reference to the weekly close time.

7831. Mr. *Assheton.*] This table ends with the year 1859, two years before the first of the Salmon Acts of which we speak of passed?—Yes.

7832. Have you any statement for more recent years?—Yes, but it would not be satisfactory; and for this reason, that at that time the fish pass was only opened when there was water for the fish to pass, but latterly, in consequence of some dissatisfaction expressed by the upper proprietors, the fish pass has been opened from Saturday at noon to Monday morning, whether there was travelling water or not, not because we believed that it was any advantage, but because we believed that it was wished for; and therefore, if I go to the 10 years after that, its accuracy would be interfered with by the fact that the fish pass was opened when there was no running water.

7833. Have you heard great complaints of the haaf net fishers?—Yes. Here is a photograph of our weir at low water (*producing a photograph*). You will see that there is not much chance of fish passing in that state of the water.

7834. What complaints have you heard of the haaf nets?—That they act as a practical wall. I was asking Mr. Birch, our water bailiff, about them, and he says that they stand in compact rows, 18 or 20 nets six or seven feet long, and that it is as efficient a preventive to the fish passing as if there was a wall built; that is to say, they catch every fish that comes within the limit. They can feel the slightest touch of the fish, and they take it at once.

7835. Do you think that any new legislation should take place with regard to the haaf nets?—Only to limit the time, I think. I would not let them fish night and day, as they do now.

7836. You think that your proposition of having no net fishing at night in the estuary would meet the case of the haaf nets?—I do.

7837. Have you ever considered whether the present uniform scale of net licenses all over the different parts of a river is a just one or not?—I think it is very unfair indeed, because the estuary fishermen catch 99 out of every 100 of the fish that are taken.

7838. Have you considered the question of giving water-bailiffs extra powers?—Yes.

7839. What is your opinion about that?—I think he should have the power of going over all lands on the banks of salmon rivers. I think it is a very invidious exception to allow him to come to a millowner's weir and not to go and inspect the gamekeepers above and below him.

7840. You would not be afraid of being followed by the water-bailiff if you were a fisherman, I suppose?—Not at all. Though he has no business on our land, I do not object to his coming, but some gentlemen do, and I think he should have the same power of going there as he has to come to my weir and over my land.

7841. I am told that you think the suggestion of Mr. Walpole, for buying from the millowner a portion of the water, is not a good one; why do you think so?—On the 24th of July last year that section (*producing a sheet of paper*) represented the whole of the Ribble, or what water there was for the salmon to pass. The sheet of paper represents a vertical section of the whole stream of the Ribble; it is 3 feet 9 inches broad, and 13½ inches deep.

7842. Why do you think that Mr. Walpole's suggestion for buying a portion of the water would be bad?—For this reason: it is unnecessary when there is plenty of water, and it is utterly useless at low water, because the fish have then no upward migratory tendency; you can have it for nothing when it is really valuable.

7843. Do you attach much importance to artificial breeding?—Very great importance, for this reason; that the spawn of salmon is the prey of eels, trout, minnow, ducks, bullheads and loaches (two small fish), aquatic insects, and, worse than all, in the severe floods that we have had the last year or two, all the spawning beds have been washed away entirely. As far as my experience of salmon breeding goes, at the early period of the salmon ova being deposited, if it is moved, it becomes dead and spoiled.

7844. You have had some little experience in artificial breeding, have you not?—I began it in the year 1832, and I believe that I am the first living man in England that began it.

7845. One more question about your mill; do you think that fish passes on mill weirs should not be made at the expense of the millowners?—Yes; and I will give you my reason for saying so. In the time of my predecessor, he was waited upon by the upper riparian proprietors, who insisted that he should make an inclined plane up to his weir, which would cost 1,000 *l.* He said, "Gentlemen, if I do it, will you be satisfied?" The reply was, "If it is efficient, we will be satisfied, but if not we will not." Then take the case of Mr. Surtees. He has been put to an enormous expense in making a pass, and it is not worth a straw; it is the most worthless thing I ever saw in all my life. It is possible that the fish may get up there, but they would

Mr. *T. Garnett.*

17 May 1870.

would be far cleverer than any fish which I ever saw if they did so.

7846. Are there any other points that suggest themselves to you, that you wish to recommend alterations in the law about?—I think not. Perhaps the Committee will allow me in conclusion (if I am concluding), to state again that unless you can give the upper proprietors a very much better supply of fish than they now get, you may as well abandon all idea of successful legislation on the subject of salmon fishing. It is not in human nature that they should take a great interest in that which they are not allowed to participate. I can only suggest that a better supply of fish can be given by preventing the estuary fishermen fishing as they do now, and insisting on their ceasing for a considerable time, say a month, before the river fishing, and after that limiting the river fishing to three days a week; because if you merely prevent estuary fishing, and allow the river fishing to take its place, that would be no improvement; but by preventing the estuary men from fishing after the 1st of August, and then saying that the river fishermen shall only fish three days a week after that, you would give us that which would tend to satisfy us.

7847. *Chairman.*] Have you published a work containing some facts on the natural history of salmon?—Yes; I have had an experience of something like 40 years.

7848. You think, do you not, that every millowner should be compelled to facilitate the passing of the fish up to the water?—The question is, what you mean by the word "compelled."

7849. That he should be compelled to allow a fish pass to be put up?—Yes; I think he should be compelled to allow a fish pass to be put up, if it does not interfere with the water power; I said many years before these new laws came into existence, "Do what you like, so long as, first, you do not injure the supply of water; secondly, you do not injure the stability of the weir; and, thirdly, do not do anything that takes away my title."

7850. You think everything that is necessary may be done, in the great majority of cases, under those circumstances?—Yes; if at Ballisodare they are able to get up the fish 70 feet, and there are no weirs here of 70 feet high, I cannot see where the difficulty is; fish passes, as I said before, should be judiciously made, and you must have those essentials which are referred to, namely, a predominating current, and as low a fall as you can get, and that the current shall, after coming through the fish pass, take such a direction that from whatever point the fish ascend, they get into the predominating current.

7851. If it should be necessary to raise money for the purpose of constructing passes of that kind, do you see any difficulty in imposing a tax on the fisheries in the rivers?—No difficulty whatever.

7852. In that way, you think that sufficient funds might be raised for all reasonable purposes, do you not?—Yes, if you give the upper proprietors such an interest in the fishery as to mak it worth while for them to look after it; but you do not, they will offer every facility fo poachers, and discharge the water-bailiffs fro their lands; but give them an interest in th fishery, and you may rely upon it they will hel you.

7853. Mr. *Liddell.*] If every millowner was Mr. Garnett, do you think that any legislatio about mill dams would be necessary at all?—I do not know; it has been a hobby of mine for th last 40 years.

7854. Mr. *Knatchbull-Hugessen.*] Do you hol the opinions of the last witness against giving compulsory powers to purchase dams under any circumstances?—I should be very glad to sel you my mill, if you would purchase it at a proper value.

7855. But suppose the proper value can be fixed by arbitration, would that meet your views?—I should not like an arbitration; if you have an estate to sell, you do not sell it by arbitration.

7856. But if a fair arbitration could be obtained, do you think that the improvement of the salmon fisheries of the kingdom would justify the Legislature in giving boards of conservators, properly constituted, powers of compulsory purchase?—No; because I do not think that weirs, properly managed, at all interfere with the fisheries; the great evil in the present state of the law is this, that as soon as there is a great increase of fish there is a great increase of netting. Though there was a weir removed in the Tyne which appeared to give a very great increase of fish, the fishing has been destroyed by netting, if I understand it rightly; and I may state that the same was the case in the Ribble.

7857. *Chairman.*] Would you not propose to restrain that by giving power to boards of conservators to regulate the mode, the manner, and the time of fishing?—I would not give power to the boards of conservators, but I think the Legislature should do it. I wish to state, for the information of the Committee, that in the year 1866 there were 21 nets above the tidal water and 18 below, which took out licenses in our river. In the year 1867 those licenses increased to 36 above the tidal water, and below it they increased to 95. In 1868 the figures were 24 above the tidal water and 98 below.

7858. Mr. *Whitwell.*] You said, I think, that the time for fishing in the estuary should cease a month earlier?—Yes, a month earlier.

7859. And you have also said that the boards of conservators should be elected by the riparian owners?—Yes.

7860. Have you considered the propriety of the licensees joining in the election of the boards of conservators?—No; I have not considered the subject, but I think it would be very advantageous that they should do so.

7861. You would make the electoral body not only the riparian owners, but those who paid licenses?—Yes.

Thursday, 26th May 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knight.
Mr. Assheton.	Mr. Liddell.
Mr. J. Dodds.	Mr. William Lowther.
Colonel Edwardes.	Mr. Pease.
Mr. Hambro.	Earl Percy.
Mr. Staveley-Hill.	Mr. Evan Richards.
Mr. Knatchbull-Hugessen.	Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Thomas Francis Brady, called in; and Examined.

Mr. *T. F. Brady.* 26 May 1870.

7862. *Chairman.*] Are you at the present ne an Inspector of Irish Fisheries?—I am an spector of both the salmon and sea fisheries; fact, all the fisheries of the country.

7863. Have you been engaged in connection th the Irish fisheries for nearly 25 years?— es, for very nearly 25 years.

7864. In the first place, what was your occu- tion in connection with the Irish fisheries?— the first instance I was conducting clerk in e fishery department of the Board of Works.

7865. Afterwards what office did you fill?— fterwards I was promoted to the office of In- ector of Fisheries under the Board of Works; en, on the department being taken out of the nds of the Board of Works in the year 1863, was appointed Secretary to the Commissioners Fisheries.

7866. The Special Commissioners were then r the first time appointed for the Irish fish- ies, I believe?—Yes, in the year 1863; and hen the Special Commission came to an end, was appointed one of the permanent inspectors the Irish fisheries.

7867. Was that under an Act of Parliament assed during the last Session?—Under an Act assed last Session.

7868. You are also secretary to the Special ommissioners for English Fisheries, are you not? Yes.

7869. Were you appointed to the last-men- oned office in the year 1866 by the Home ffice?—Yes.

7870. The reason of that appointment being, o doubt, your previous knowledge of the sub- ct?—Yes; it was in consequence of that that was appointed. I was to aid the Commis- oners, who were then appointed, and to bring y knowledge of the whole subject to bear.

7871. The gentlemen who were appointed ien having had no previous acquaintance with ie subject, I presume?—Two of them had not ny official acquaintance with it. Mr. Eden had very extensive knowledge of the subject, and e was chairman.

7872. When you were first appointed, Mr. den was chairman of the Irish Commission?— Ie was chairman of the Irish Commission, and e was chairman of the English Commission. At the same time he was a Commissioner in Scotland also.

7873. The other Commissioner originally was Mr. Ffennell, was he not?—Mr. Ffennell was originally one of the Commissioners in Ireland, afterwards an inspector in England; Mr. Ffennell and Mr. Eden were inspectors of fisheries under the Home Office in England. Then there was a Special Commission appointed under the Act of 1865, and Mr. Eden was chairman, with Captain Houston and Mr. Paterson. Those three gentlemen formed the Special Commission for the English fisheries, Mr. Eden and Captain Houston holding at the same time commissions in Ireland; Mr. Eden was then also a Commissioner in Scotland at the same time.

7874. So that, at that time, Mr. Eden held office in the three countries?—He held office in the three countries; practically, his office of inspector in England lapsed into his office of Commissioner at that time.

7875. Was it contemplated, at that time, that there should be only one commission for England, Ireland, and Scotland?—It was contemplated, at that time, that there should be only one commission; in fact, I made the proposal to the Chief Secretary for Ireland about that time; Sir Robert Peel being then Chief Secretary.

7876. Did he consider the proposal one deserving of consideration at a future period?—He did so; he sent it to the Home Office, who replied, thanking me for the suggestion as being well worthy of consideration.

7877. But up to this nothing has been done in that direction, I believe?—Nothing.

7878. Has a proposal of a similar kind been made on other occasions?—Yes; it has been made on several occasions; in the year 1835, for instance, it was made. In the Second Report of the Commissioners of the Irish Fisheries, dated the 4th November 1846, they say, "Under these circumstances the Commissioners would feel themselves compelled to ask a long extension of time for making their report, if it were necessary to go into a separate investigation on behalf of Ireland; but they are satisfied that no such necessity exists, that whatever laws are requisite for the British salmon fisheries, will be found generally sufficient for those of Ireland." Then again there

Mr. *T. F. Brady.*

26 May 1870.

there is this recommendation: "They therefore deem it most expedient, as well with a view to public economy as to the early relief of the Irish proprietors, to close their labours now; referring to the evidence they have collected, and to the several Reports on the British Salmon Fisheries, printed by order of the House of Commons, and suggesting that measures be taken for embracing the Irish salmon fisheries in any Act which will arise out of these researches of the Parliamentary Committee, with such additions as may be found necessary in placing the fisheries of the two countries on the same legal footing."

7879. Am I right in supposing that in the year 1853 a similar recommendation was made?—In the year 1853 a similar recommendation was made by the then Commissioners.

7880. Can you refer to their report?—Yes; I will do so.

7881. Those Commissioners were not the same, I suppose?—They were not; these latter were the permanent Commissioners for Ireland at that time. At page 17 of the Appendix to the Report of the Fishery Commissioners for Ireland for the year 1853, there are the following general remarks: "It is highly gratifying to be able to state, as we have done, that a decided improvement has taken place in the salmon fisheries; their importance to the country is better appreciated than heretofore; there is an advance in knowledge connected with them; that good results, to a considerable extent, have followed from recent legislation is generally felt and acknowledged; the principle of the present laws applying to the salmon fisheries of Ireland is generally approved, not only by those connected with this country, but persons connected with England and Wales have become sensible of their value by the increased intercommunication between the different countries affording opportunities of gaining information. The salmon rivers of England and Wales, though limited in extent, comparatively, with Ireland, are not unimportant; they are similar in one respect, namely, their public nature as to the right of fishing. They are principally, like the rivers of Ireland, public rivers, and unlike the Scotch salmon fisheries, which are principally private; the former are now nearly valueless, because there are not laws in force suitable to their circumstances. We have had much communication recently with parties anxious to redeem the rivers of South Devon, the Dee, the Severn, &c., from the state of decay into which they have fallen, with the view of obtaining legislative powers based upon the principle of the Irish fishery laws, by which the public may be enabled, through a legitimate and proper medium of Government control, to effect an important public benefit, and by which means alone, mixed and conflicting interests can be regulated." Those Commissioners had several times reported in favour of such a change.

7882. In general terms I may ask you whether the circumstances of the English and Irish fisheries are not similar with regard to their legal status?—Yes, they are quite similar; they both take their foundation from Magna Charta, both of them.

7883. What do the Government officers in Ireland at present consist of?—The Government officers consist of the three inspectors of fisheries, myself, Mr. Blake, and Major Hayes; Mr. Blake was the late Member for Waterford.

7884. Now they are called inspectors, inste of Commissioners?—Yes, they are called inspe tors.

7885. Have they all the powers that the c commissions possessed?—The powers of the c commissioners are transferred to them.

7886. Those powers were very extensive, we they not?—Yes.

7887. Will you be kind enough to tell th Committee, very shortly, what those powers co sist of?—They consist of the power of maki bye-laws, alteration of the close seasons, the tri of fixed nets, and, in fact, the whole superi tendence and management of the fisheries of th country.

7888. Do they discharge in Ireland the whol of the functions that are now discharged in Eng land by the Special Commissioners and the in spectors?—Yes, they do. The Act of Parlia ment that gives the power to make bye-laws, very extensive, indeed; it is the 91st section o 5 & 6 Vict. c. 106. It says, "It shall be law ful for the said Commissioners, from time t time, as may become necessary, to make an ordain such bye-laws, rules, orders, and regulation (in addition to those herein specifically require to be made), as to them, the said Commissioners shall seem expedient for the more effectua government, management, protection and improve ment of the fisheries of Ireland, and the registry of all boats engaged therein, and from time t time to repeal, rescind, or vary the same, and sub stitute others in lieu thereof, and to impose and prescribe any conditions and restrictions for the regulation of the said fisheries, and the preser vation of good order among the persons engaged therein, and in relation to the times and seasons at which the taking the several species of fish shall commence and cease, or the times and places, or the manner at and in which any tram mel, trawl, or other net or nets, engine or en gines, to be employed in the said fisheries shall be used, and also as to the description and form of nets to be used in the said fisheries, and the size of the meshes thereof, or to the prohibition thereof, or of any practice whatsoever, tending, in the opinion of the said Commissioners, to im pede the taking of fish, or to be in any manner detrimental to the said fisheries, or as to any other matter or thing which shall in any manner relate to the government or protection of the said fisheries; and it shall be lawful for the said Commissioners to impose any penalty not exceeding 5 *l.* in all cases where any penalty is not fixed by this Act for any breach of such bye-laws, rules, orders, and regulations, and to direct that all nets, engines, or other instruments whatsoever used contrary to any of such bye-laws, rules, orders, or regulations shall be forfeited, destroyed, or removed, as the case may require: Provided always, that all such bye-laws, rules, orders, and regulations be not repugnant to any law or statute in force in Ireland, and shall not injure the effective working power of any mill or factory, and shall be approved of and confirmed by the Lord Lieutenant or other chief governor or governors of Ireland for the time being in council; and all the said bye-laws, rules, orders, and regulations, when so approved and confirmed, shall be binding and conclusive on all persons as if the same had been contained in and enacted by that statute."

7889. What is the precise title of that Act?—"An Act to regulate the Irish Fisheries;" the Act is a very long one, and embraces, perhaps, a great

number of sections that would not be of use to the Committee, but I could point out important sections.

90. This little volume you have been good gh to present me with contains, I believe, bstract of all the bye-laws that are made, all the powers of the water-bailiffs, and the ipal sections in the different Acts of Par- nt that are now in force in Ireland?—Yes; volume does not contain the powers of the missioners, but it contains practically every- that is to be enforced.

91. This little volume, entitled, "A Digest e Acts of Parliament relating to the Salmon eries," is in the form of instructions for the r-bailiffs?—Yes.

92. Has this book been compiled by you in ection with your office?—It has been com- l by me in connection with my office; that is ifth edition.

93. It is just published, is it not?—Yes.

94. Was this compilation made by the direc- of Parliament, or of your own mere motion? f my own mere motion; it has been carried or some years.

95. I daresay you have found that this is a convenient mode of communicating to the r-bailiffs throughout the country the purport he law with regard to their office?—It has found very convenient; the magistrates e expressed themselves so pleased with it oc- nally, that it has induced me to make it h larger this year than it was originally. It not give the powers that are imposed on the missioners for making bye-laws, but it con- s all the enactments on the subject of fisheries, an abstract of all the bye-laws made by the missioners, the license duties payable in each rict in Ireland, the close seasons in each dis- t in Ireland, and every information, in fact, nected with the fisheries.

96. Do the Acts enumerated here comprise whole of the Acts of Parliament passed for ulating the Irish fisheries?—Yes, they con- the whole of the Acts of Parliament relating almon fisheries; but we have other Acts of liament with regard to oyster fisheries, that not given here. The volume is issued, bound parchment, for the water-bailiffs to carry in r pockets.

97. Do you find that the present system is king satisfactorily in Ireland?—Very satis- orily.

98. And do you remain of the opinion which expressed, when Sir Robert Peel was Chief retary for Ireland, that it would be very de- ble to have one fishery board for the whole the United Kingdom?—Certainly; with re- d to England and Ireland I am quite certain ould be much better in every respect. I do know so much of Scotland; but I should say t one board for the three countries would k much better than the subdivision that now ets, and I think, eventually, more economi- y.

99. Your only hesitation with regard to tland is, that you know less of the circum- nces of Scotland than you do of England and land?—Quite so.

900. But for anything you know to the con- y, the same reasons may be equally appli- le to the fisheries of Scotland?—Yes. I know . Eden was strongly of opinion that there uld be only one board for the three king- 0.52.

doms; he often said so to me, and very few men understood the subject of fisheries as he did. He has been the greatest loss possible, as far as Ireland is concerned, in the question of the fisheries.

7901. What is the state of the law in Ireland with regard to dams at the present time, and with respect to the placing of fish passes upon them?—In any dam that has been raised in height, or altered, or "enhanced," as the legal phrase is, since the year 1842, the owner is compelled to build one or more passes thereon, according to plans to be approved by the Commissioners; with respect to new dams there is the same law, and in old dams the Commissioners have the power of putting up passes, upon the money being provided for that purpose.

7902. That is to say, the fishery board, or any person interested in the fishery?—By the fishery board, or any person interested in the fishery.

7903. What is the mode of procedure adopted by the Commissioners in those cases?—We have an engineer attached to our department, and when we receive an application for a pass, he is directed to go down and give us an accurate survey; he makes a survey and report, a plan, specification and estimate, and designs a pass. We confer with him on the subject before finally approving it, and when the alterations we may suggest are carried out by him, he finally maps the plan, and then we carry it out by a contractor, if the money is given to us. If the miller has to do it, we serve a copy of this on the miller, and he does it; we have compelled the miller to do it in some cases.

7904. To what extent is the owner of a dam a party to the proceedings which you have just described?—He is not a party to the proceedings at all.

7905. You proceed *ex parte*?—We proceed *ex parte*. Out of courtesy to the miller, we always send him a copy of the plan in the first instance. Then we consider if he has any legitimate objection, or if he says that it will injure his water power, we consider his objections with our engineer, and we may make such modifications in the plan as may suit his views; but if they are frivolous objections, we enforce the law and make the pass.

7906. If the objection be a valid one, you entertain it?—Certainly.

7907. Does it occasionally happen that any contest arises between the Commissioners and the owner of a dam with regard to what is proposed to be done?—Yes; we have had two or three contests in Ireland, and we brought them into the superior courts, and they confirmed our powers.

7908. Was that in the nature of an appeal from your judgment?—It was not. It arose in this way: A miller obstructed us in going on the dam when we had entered into a contract to do the work, and then we summoned him before the magistrates, and they convicted him for obstructing us. Then he brought the case into the superior court, and the superior court then held that we had the power to do what we were proposing.

7909. Was that procedure in the superior court in the nature of an appeal from the decision of the magistrates?—Yes.

7910. Was it analogous to our proceedings in similar cases?—Yes, quite so.

 7911. Have

Mr. *T. F. Brady.*

26 May 1870.

7911. Have you had many cases of that kind?—I think we have only had two in Ireland during 28 years.

7912. The result has been to settle the powers possessed by the Commissioners in future, and I suppose their doings are acquiesced in since that time?—Yes; very few people would now contest their powers further.

7913. The forms of the fish passes you say are settled and approved by you?—Yes, in fact, except in two cases in Ireland, I know only of one form, and that is the form that has been so generally adopted throughout this country, which has proved such a failure in this country; that is to say, the fish pass consisting of steps, erroneously called the "Forsyth plan;" it is not the Forsyth plan.

7914. What plan is it then?—It is a plan adopted by Mr. Smith of Deanston; you will find it described in the Report for 1855 of the Irish Commissioners; there is in that report a copy of a letter from Mr. Buchanan, who is cousin to Mr. Smith. I met him in Paris; they were exhibiting some models at that time; I asked him for a full account of the pass, and he sent me a very interesting account which is as follows: "As it may interest you to know something of the origin of the first salmon stairs, I give you the following particulars, which will show that the salmon was itself the originator of the idea. The winter of 1827 saw the Deanston dam completed; Mr. Smith left about 10 feet next the flood gates, lower by about 13 inches, expecting that, as the water would always be deepest there, if any were coming over the dam at all, the fish would easily find their way up, more especially at night, and when the works were stopped. He had gone to Manchester just as it was finished, before any fresh had occurred to flood the river, and cause the fish to run up to the spawning grounds above. In the unfinished state of the dam the fish had congregated in great numbers below it, till, a part giving way, a gap was made by which they were enabled to get up through the broken water into the dam itself. After Mr. Smith had been gone a few days only, there occurred a flood in the Teith, and you may judge of my chagrin and annoyance to find that no fish could stem the current in the intended salmon race, more than about one-third only of the whole length, so that all were swept back by the current as they made the attempt. Hundreds were in the deep water at the tail of the dam, apparently worn out by their fruitless efforts to ascend, or perhaps were naturally more tame at that season, for they allowed my approach to the bank without moving away. I had placed two large flat stones in the current, a few feet upwards from the deep water, to enable me to stand and examine the fish as they lay; all at once a fine large one sprang up into the broken, or dead water, caused by my stepping-stones, and lay there, apparently at its ease. The thought then struck me to lay another retarder to the overpowering stream, a few feet higher up. In a few minutes, the same fish, without my losing sight of him, sprang up to this second place of rest. As plenty of large iron spikes, used in the construction of the wood works of the dam, were at hand, I drove two, at about three feet separate, into the seams of the stone about the same distance up on the opposite side of the run, and laid a bit of board, a few feet long and about 12 inches broad, against them; the rush of water downwards held it against the nails. In a short time the fish was up and the broken water. I now placed nails in a simil way, and a board, in the opposite side, to whic he sprang. With two bits of board changed fro one set of nails to the other, he worked up t about within a third of the ascent, when ap rently, as if knowing its own powers, it mad spring out of the run and ran up the slope of th dam into the deep water within. I lost no time i getting boards placed at each set of nails, so tha before it was too dark to see how matters wer on, I had the satisfaction to perceive many a fin fish over in safety. By next morning none wer to be seen, and but at a very chance time afte wards, below the dam. As this frail ladder wa frequently swept away, on Mr. Smith's return few weeks afterwards, he had short pieces of log about 6 by 12 inches deep and 6 feet long, bolte firmly to the stone. It was curious to remar how far each fish, according to his strength, mad use of the ladder before he ventured to sprin over into the dam itself. I have certainly seen few fine fish go up the ladder to the top, an glide slowly into the dam without ever attempt ing to leave the run itself. It was rare tha any fish left the ladder before he got so high u as to be able to reach the breast of the dam i safety. I have seen a few miscalculate thei strength and roll down, either into the lower par of the ladder run, or quite into deep water at th foot; but this was always the exception."

7915. That experience led to the constructio of the Deanston Pass?—It led to the constructio of the Deanston Pass, and was the whole origi of fish passes.

7916. I need hardly ask you whether it wa constructed without injuring the milling power o Mr. Smith, of Deanston?—Certainly.

7917. You have in Ireland a very celebrate pass at Ballisodare?—Yes; that was erected i 1851 or 1852.

7918. Was that one of the first passes ever erected?—The first pass which was erected was th one which was erected at Portlaw, the factory of Mr. William Malcolmson, and I have here a model, supplied by Mr. Malcolmson (*referring to a model*); it was the first pass in Ireland, and it ha been a great success. The old course of the river is downward, and the water falls over the dam the water is supposed to be running in the direc tion of the mill; the whole principle is this, tha the mill pool is above the ladder; the wate tumbles down over the weir, and the fish congre gate under the weir, and are not able to get up at all; a pass was then built, bringing the ladde through the mill premises into the mill poo below; it has a sluice at the top that shuts down when the mill is at work; the sluice is closed when the water is needed for the mill, so that no water goes down the fish pass at all. At night, or when the mill is not at work, the sluice is taken out, which allows the water to run down the pass, and the fish find the ladder very easily; they come through one tunnel of 12 feet, and another of 10 feet or 14 feet, to the top of the pass, and it has been a very great success. But the objection to that is this, that it brings all the fish immediately into the mill premises, and if you had not a miller like Mr. Malcolmson, who would not let the fish be killed, great injury might be done.

7919. Every fish that passed up might be captured, might it not?—Yes; but this ladder could have been built outside the mill premises altogether.

)20. The only objection to it, as I understand is, that it is taken through the premises in y that would make it very easy to poach?—

)21. But the construction of it you recom- d as perfect?—Yes; it is in the roughest of make; those steps in the pass are rough s, and the whole pass is of the very roughest truction; it is on the River Clydah, a tribu- of the River Suir.

)22. Mr. *Hambro.*] Is there any Act of Par- ent which prevents a man fishing within 100 ds of the mill dam, and would that, in your ion, prevent a man catching fish in the pool? here is a very heavy penalty for anyone hing fish at mill premises, but that would essitate a water bailiff being always there, if had not a man like Mr. Malcolmson; in fact, would dismiss a man who had charge of it, if found a sluice shut when it should be open; is so particular about it.

923. Have you got a model of the Ballisodare ss?—No.

924. Mr. *Whitwell.*] Was this pass attached to old weir?—Yes; it was attached to an old weir.

925. *Chairman.*] Was that done without in- ing the stability of the weir?—Yes; except in one case, we never injured the stability of the ir; I have seen weirs torn up almost, but ver carried away.

926. And you say you have successfully put passes in a great number of such cases?— es; if you have a good master builder, or an gineer who understands his work, and he kes a proper coffer dam, you can do almost at you like.

927. Is the fall at the Mayfield Factory 12 et?—It is about 12 feet; all the different di- ensions of that pass are mentioned on the cing which I now produce.

928. Will you kindly mention, from the tracing hich you hold in your hand, the principal di- ensions of the fish pass?—The fall is 12 feet, d there is a covered passage at the top 13 feet ng; the breadth of the ladder is from six to ven feet throughout; it is very irregular; the stances between the breaks are very irregular so; in some places they are about three feet, d in some places they are five feet.

929. What was the cost of that ladder?—I not know; it was built by Mr. Malcolmson mself.

930. Have you any idea what it cost?—No; have no idea.

931. Could you ascertain for the Committee? I will try to do so; but I should say that Mr. alcolmson carried it out by his own workmen; employs about 2,000 people at the Mayfield ctory.

932. The value of the Mayfield Factory is ry considerable, I suppose?—Yes, very con- derable; it is a very important factory.

933. Colonel *Amcotts.*] It is near Waterford, it not?—Yes, it is near Waterford; it is an mense concern.

934. *Chairman.*] If that dam had been de- oyed in carrying out those alterations, it would ve interfered with the employment of 2,000 ople, I suppose?—It must have done so.

935. Was the Ballisodare Pass reported upon the year 1858?—The Ballisodare Pass was re- rted upon in that year.

936. What is the character of the Ballisodare ss?—The Ballisodare is simply an ordinary ladder, commonly called the Forsyth ladder (which is really not a Forsyth ladder). That plan (*handing in a Plan*) is a plan of the Ballisodare Pass, which is in the county of Sligo. The river falls over a ledge of rocks, something like 20 feet high, into the sea. Before the ladder was made, the greatest number of salmon taken in that bay of Ballisodare in a year was 20; last year they killed 7,000 salmon in the bay, under that river.

7937. That river belongs to Colonel Cooper, the late Member for Sligo, does it not?—Yes; the Ballisodare River runs into Ballisodare Bay.

7938. That is not Mr. Ashworth's Pass, is it?—No; Mr. Ashworth's Pass is in Galway.

7939. Mr. *Knight.*] Does the water come into that pass at high tide only?—It rises to the foot of the pass at every tide.

7940. Can the fish get into it easily?—Yes, at all times; there is water always running down, even without a tide.

7941. Mr. *Liddell.*] The tide runs up to the very base of the rocks?—Yes, it is a natural fall; that is to say, Ballisodare; but the River Owenmore, a tributary to the Ballisodare River, is of the same character; here there is no tide; all is fresh water. The Owenmore is a tributary to the Ballisodare River, and it falls over a ledge of rocks about 20 feet high. Before it falls over it supplies a very extensive mill. Mr. Cooper built a fish pass on the same principle as the one at Ballisodare, and so opened up those three rivers and made it a very large property indeed.

7942. *Chairman.*] Since you have been connected with the Irish fisheries, have fish passes been constructed over a very great number of dams?—Passes have been constructed over a great number.

7943. In many cases have cuts been made in the dam itself?—I think in almost all cases that is so. I was trying to remember a single pass that has not a cut; I cannot recollect any one that has not a notch cut out of the crest of the dam, averaging one foot to two feet deep.

7944. That is in the manner described by Mr. Paterson, in his evidence before this Committee, is it not?—Exactly in the manner described by Mr. Paterson.

7945. Have you in any case known an injury done to the dam, in consequence of cutting that notch?—Never. We put in the opening a sluice gate, and the miller has control over that sluice, and when the water is low he shuts it down, though the fish pass is of no use, for the fish are not running.

7946. Do you consider that there is the slightest danger of injury to the dam by cutting into it, provided the work is done properly under an experienced engineer?—Certainly not.

7947. Or under a competent mason?—Or under a competent mason.

7948. You express that opinion from what you have seen done in a great number of cases in Ireland, do you?—Yes; we never injured a weir in Ireland; I only recollect one to which the slightest damage was done. We traced it to a band of poachers after we had left the work. Before it was properly cemented they put a pick into it, and a flood came and tore it away.

7949. Will you be kind enough to mention to the Committee a few of the most important passes; is there one at Cork?—Yes, we have lately put one up at Cork, at the waterworks, where we had to take out the tenderest part of the weir (the

Mr. *T. F. Brady.*

26 May 1870.

end of the weir), to put in our pass; but we did not do the slightest injury to the dam.

7950. There is another at Ballincollig, is there not?—Yes, there is another at Ballincollig; in that case we had a board, but the owner of the Ballincollig dam has never put the board in since it was put up; he finds no necessity for it. We have no right to take six inches of his water when, if he pleases, he can put a board in. But in most cases, the millers do not think it worth their while.

7951. Is Pettigo, in Fermanagh, a case in point?—Yes; that was a case in which we were obstructed by the owner of the dam, but after a little remonstrance he consented to let it go on; it never did him any injury.

7952. The one at Galway is a notorious one, is it not?—Yes.

7953. That is Mr. Ashworth's?—Yes. That was built by the Board of Works.

7954. That is eminently successful, is it not?—Yes, eminently so.

7955. Then there is the case of Killaloe?—Yes, there is the case of Killaloe; this is a plan of it (*producing a Plan*). The water of the Shannon passes through 15 counties (it is the largest river in Ireland) before arriving at Killaloe.

7956. Did you cut into the crest of the dam in that case?—Yes; I suppose that weir cost at least 5,000*l.* in putting up. It is a very valuable navigation weir, and no injury was done.

7957. How much did you cut into the crest of the dam?—Eighteen inches deep; the opening is feet wide, and it is 18 inches below the top of the weir.

7958. What is about the length of the weir?—I could not say, it is a very long weir, it is a horseshoe weir, much larger than any weir I have ever seen in England.

7959. Is it 400 or 500 yards long?—It is very nearly a quarter of a mile. The Shannon is very nearly a quarter of a mile wide at Killaloe, in the county of Clare.

7960. In nine cases out of 10, you say, that the miller is not in the habit of closing the fish pass by shutting down the sluice at any time?—No, not in most cases.

7961. When the river is small, and he needs water, of course he does it?—Yes; he does it in that case.

7962. And you say that in consequence he is in no way injured by the fish pass while the fishery is not injured, because the fish are not running at the time when it is necessary to close the sluice?—Quite so.

7963. Does making an opening and constructing a fish pass, in most cases, strengthen rather than weaken a dam?—There is no question that if a fish pass is properly built against a dam it will strengthen an old dam; it is like a buttress to a wall.

7964. What is the watershed of the Shannon?—The watershed of the Shannon is about 4,000 square miles.

7965. Do you regard the making of fish passes as one of the most important primary matters connected with the improvement of salmon rivers?—I really think it is the most material, and the first thing to look at, for if you cannot get the fish over the dam there is nothing remaining for you to do.

7966. You consider that no Government officials can ever improve a river, unless facilities are afforded for the free passage of the fish up to the spawning beds?—Certainly not; clear y estuaries first, and then proceed upwards, and the fish go up as far as ever they can go; when you get them there, protect them, and will certainly reap your reward.

7967. That view has been enforced in Reports of the Commissioners of Ireland, fr time to time?—Yes; I could refer the Commi to a number of Reports.

7968. That view was enforced in the Re of 1855, was it not?—Yes; at page eight of Appendix to the Report of 1855, I find t passage, "This object has been well effected many instances where boards of conservat have been able to provide funds for the purpo and applications continue from time to time to made for such constructions; but the progr of affording means for the upward passage fish, is much too slow, when it is considered h materially the full development of the salm fisheries is retarded thereby."

7969. And in 1860 again, that was enforc in the Commissioners' Report, was it not?—Ye again in 1860 the Commissioners report to t same effect; and in the year 1862, t Commissioners report very strongly on the matt I find at page 5 of that Report the followin passage, "One of the most important steps towar the development of the salmon fisheries of river, is to afford facilities over weirs and oth obstructions, for the fish to reach the upp waters; and when this can be done without the slightest manner injuring mill power, w think it is a matter deserving the consideratio of the Legislature, whether this work ought n to be imposed on all proprietors of mills to carr out at their own cost." We believe the expens of building these passes in the aggregate i Ireland, would be very trifling; and when th proprietor of the mill can be secured in th enjoyment of the entire water power, it cannc be considered as inflicting on him an injustice, t require him to provide at his own expense th means of allowing the fish to pass."

7970. I will merely ask you whether simila points are not enforced in the Reports for 1863 1864, and 1865?—They are, and in a number o other Reports also.

7971. In fact, except that a contrary opinion has been expressed, you would have supposed i impossible that such a contrary opinion could be entertained?—Certainly; I cannot imagine how anyone having the slightest knowlege of the subject could look upon it as not the first and most material thing to do.

7972. Do you think that in England compulsory passes should be made in salmon rivers in the same way as free gaps have been enforced in Ireland?—I think so; it is no reason to say because the Legislature has acquiesced in the erection of dams in rivers for a certain number of years that, therefore, they should not do something now to remove the impediment, seeing that it can do no injury to milling power. In Ireland the Legislature had, since the time of George the Third, recognised fishing weirs, without free gaps, and they even passed two Acts of Parliament, the one in 1842, and the other in 1850, authorising the Commissioners to order free gaps, but granting compensation to the owners of fishing weirs in cases where the free gap should be opened; and in the year 1863, notwithstanding that previous legislation, seeing that nothing had been done, they reversed it all, and ordered free

gaps

to be opened in all fishing weirs, without compensation.

973. Now, at whose expense do you think e fish passes should be constructed; does it end very much on the circumstances of each ?—It depends very much on the circumces of the case.

974. I suppose if the miller has a legal title he dam, it should be done at the expense of e interested in the fishery?—Quite so; if the er has acquired a title, then the miller ht not to be at the expense. You meet in many rs small mills where the value of the fisheries ld be really worth more than 10 times the e of the mill, and it is a dog-in-the-manger ir if as at present the man will not do anyg, nor let anything be done.

975. It is unfair, is it not, that those who e erected dams should be allowed to destroy uable fisheries in the manner they have been ng in many cases at the present time?—There o doubt of it. I would not permit the milling erest to destroy the fishing interest, nor would permit the fishing interest to destroy the mill- interest. I think that both can be carried without the least injury one to the other.

7976. You think that if a miller is allowed to ve a supply of water, he should not object to e placing of proper passes over the dam as a neral rule?—Certainly not. In many cases, I ink, he ought to be compelled to build a pass his own expense, it doing no injury to the illing power.

7977. Mr. *Liddell.*] In what cases do you ink the Legislature would be justified in giving wer to compel that?—Where the fishery intests are paramount. You meet with a small ill, where very little is made out of it, and here the fisheries are of far greater value. In at case the miller has created an obstruction d injured the fisheries, and he should be bound build a pass. The expense would be very ifling in most cases, if regulated by an engineer d a proper contractor.

7978. *Chairman.*] Has your attention been lled to Question 428 of the evidence before is Committee, and the answer given to it by Ir. Walpole with regard to weirs; Mr. Walpole is opinion that if weirs had existed for 20 years ey ought not in any way to be disturbed?—I ink quite the contrary; and of that the Legisture has given an instance in the case of fishing eirs in Ireland, where they recognised, since e time of George the Third, that free gaps ould not be opened without compensation. In 63 they ordered gaps to be opened in all weirs ithout any compensation.

7979. You think that no good reason can be signed why we should not have the benefit of a milar enactment in England, to that of 1863 in eland?—Certainly not; I would not hold long cupation of a weir to be a good reason for keepg it up when Parliament has done what it has ne in Ireland for the benefit of the fisheries.

7980. In your experience, does it happen in ost cases that more water is wasted by running rough or passing over the dam than would be fficient to work a properly constructed pass?—n most cases there is more water wasted by nning through or passing over the dam than ould work a fish pass; if the dam was properly aunched, that waste water would supply the ss admirably.

7981. For about nine months every year more water goes to waste, I suppose, than would supply a pass?—Yes; there is a waste through the dam, and there is a waste over the dam; a waste over the dam, perhaps, for something like six or nine months of the year, which, if concentrated and utilised, would be very important, and would not do the least injury.

7982. I suppose it would very seldom happen that there would be any conflict between the fishery owner and the milling interest?—If matters are properly regulated, I do not believe that the slightest injury need be done to the milling interest.

7983. Has your attention been directed to a suggestion made to this Committee by Mr. Paterson, that a self-acting sluice might be placed on the dam to save the miller trouble?—Yes; I have consulted engineers in Ireland on the subject of that self-acting sluice.

7984. Have you got a model of one with you?—Yes (*producing a model*); it is from a very smart mechanical engineer in Ireland, named Charles Merrick; it is a design of his own; I mentioned the subject to him in one of my tours of inspection, and he said that he could easily design such a thing, and he has written to me to say that he tried it on a larger scale and found it to act very satisfactorily, he lives on the Shannon; his father is an engineer under the Board of Works on the Shannon.

7985. Has he written a description of that model?—Yes. He says this: "This model of a self-acting sluice, suitable for a fish pass or regulating weir, is made to a scale of one inch to a foot; the piston, which works loosely in the casing, is intended to allow the water which leaks out when the supply ceases to flow over the sill at the entrance to the shoot, when the sluice immediately closes by the action of the water against the larger section, the restraining power being removed. The weight exerted on the piston when the casing is filled to the top, and previous to the sluice paddle being opened, is about 240 lbs. including leakage, and the weight is doubled when it reaches the bottom, when it is required to keep the paddle steadily open, and these are the conditions which I laid down for him. This sluice model has been designed in accordance with the conditions laid down for my guidance; first, to make a sluice to open equal to four square feet, when one inch of water was passing over the apex of the weir; and secondly, to close when the water falls to the apex. In the model the sluice will close when the water falls to within half-an-inch of the apex."

7986. Have you carefully examined that?—I have carefully examined it, and I think it is a very good idea.

7987. Do you think it would work if it were put into practical operation?—I think there can be no doubt about it, as it is very simple. One side of the fan of the sluice is larger than the other. When the water rises above the apex of the dam it passes into the box; the piston lowers and opens the sluice, and when the water falls below the apex, the weight of the water on the larger fan of the sluice closes it. It is a very simple contrivance, and one which I think not likely to get out of order.

7988. Colonel *Amcotts.*] Not by weeds?—No weeds can get into it; it is grated.

7989. Mr. *Pease.*] The piston works slack in the cylinder, does it not?—Yes.

7990. But if the piston got clogged with weeds, the

Mr. *T. F. Brady.*

26 May 1870.

the cylinder of the valve would be kept shut, would it not?—The pressure of the water on the fan must draw that piston up.

7991. Not if there was water up to the top, I presume?—But it only acts when the water is above the apex, and when it is above the apex of the weir the weight of the water must open the sluice.

7992. Mr. *Liddell.*] Is that which is represented as cord in the model, chain, or rope?—It is a chain. This has not been built yet. Mr. Merrick says, "I have tried a rude model on a larger scale, and find it acts very satisfactorily." Nothing is done in this case but cut the weir down two feet.

7993. *Chairman.*] You think that there is no chance of this valve becoming choked up?—I do not see that there is a chance of its becoming choked up, but you cannot speak with certainty of a new thing.

7994. From the report that has been made to you by the projector, and from your experience, should you have any hesitation whatever in trying an experiment of that kind, with every confidence that it would prove successful?—No; I have shown it to a very eminent engineer, and he is quite charmed with the idea. I hope some day to put it into operation.

7995. But in all ordinary cases, presuming that that self-acting sluice should not from any cause prove successful, would there be any difficulty in having a hand sluice?—We have hand sluices in Ireland at the present moment.

7996. Does the opening and shutting of a hand sluice involve any considerable amount of trouble?—Certainly not.

7997. Have you ascertained what is the practice in America?—The Americans took their plans of fish passes from us; I met the Commissioners in Paris in the year 1855, and they received the plans from me, they did not know anything about fish passes at that time. They have tried to improve on our plans, and I find by their last report that they have come back to the original design.

7998. The principle which you have explained to the Committee, is the principle they are acting upon in America?—Yes; the same principle, and it is the plan that we have had most success in.

7999. Had you, before the year 1863, fishing mill dams in Ireland?—We did not know the meaning of the word until the passing of the Irish Act of 1863, it was taken from the English Act of 1861.

8000. Have you many cases in Ireland now, of fishing mill dams?—We have had weirs in Ireland, which were considered to be fishing mill dams.

8001. There is one at Coleraine, is there not?—Yes; there is one at Coleraine.

8002. And another at Ballyshannon?—Yes; there is another at Ballyshannon, but in reality neither of those is what you would understand as a fishing mill dam, because in the one case, that of Coleraine, it is nothing but a fishing weir across the river, but it is built at such a level as to maintain the water for the navigation of the river. And that in the Ballyshannon weir is built on a ledge of rocks, and there is a parcel of stones put in the river to drive a portion of the water towards the mill on the off bank.

8003. One of the witnesses before this Committee has recommended that free gaps should made in these weirs, what would be the effe that?—It must destroy the milling po altogether.

8004. Why would it destroy the milling pow —Because it would take the water away free gap must be made to the bed of the ri it is far worse for the mill than a fish way.

8005. It was also suggested, that an opt might be given to the miller of either using dam for milling or fishing purposes; would answer the purpose, do you think?—I saw t that option was proposed to be given to the mil and if he said, "I will have my fishing intere a proposition was made to make him put a f gap in the dam; in that case his mill goes. I if he said "I will have my mill, and I will g you the fishery," what has been said is th "then build up your cruives or boxes." Th makes the thing ten times worse.

8006. Do you mean because the fish would that case be gone?—The fish would go altogeth When he was using both the mill and the fishe he was bound to open during the weekly cl time and the annual close time; but if selected to keep the mill and built up his cri the fish could not get over at any time at all.

8007. It made for the fish a greater impe ment than there ever was before?—Yes, a great impediment than before.

8008. Pursuing that, take the case of t Dinsdale dam; that did actually happen in t case of the Dinsdale dam, did it not?—Yes, doubt.

8009. You consider that is worse now th when it was used for a fishing mill dam?—N doubt it is worse than it was before. In the ca of the Dinsdale dam, there is I think a misappr hension with regard to what the Commissione really did.

8010. I may ask you whether you acted secretary to the Special Commissioners on th inquiry?—Yes.

8011. And attended the inquiry, I suppose —Yes.

8012. Were you present when judgment wa delivered?—Yes.

8013. Will you kindly explain to the Com mittee what the Commissioners did declare?— The Commissioners declared the fishing mill dam as such, to be illegal. The only power given t them in the Act of Parliament then was to rende the fishing mill dam incapable of catching fish and the best means for that purpose, in thei judgment, was to order a gap in the centre o the dam to be made of a certain breadth an depth; because they said the only other way t make this dam incapable of catching fish, whic is illegal, is to rail or build up the boxes, an that would make the evil greater than ever i was; or, in other words, to concentrate the fall of the water in the centre of the dam, and so the fish instead of going to the boxes would go to this fall of water and pass over.

8014. That judgment had nothing to do with the question of a fish pass?—Nothing whatever.

8015. How did it afterwards lapse into a question of a fish pass?—Not wishing to do any injury to the owner of the Dinsdale dam, they said, "We will not enforce this judgment if you suggest some other course which would be less injurious to your mill, and that will afford facilities for the fish to pass, and we will leave you to carry it out."

8016. The

8016. The Commissioners meanwhile not enforcing their judgment?—Yes; and then there was an appeal taken by the proprietor. The proprietor, after a good deal of correspondence one way and the other, agreed to give up one of his fishing boxes, and convert it into a fish pass; and the Commissioners gave him every help they possibly could, hoping that what he proposed would provide a sufficient pass for the fish, and would not do any injury to the mill.

8017. And would not make it necessary to carry out their judgment?—And would not make it necessary to carry out their judgment; but what has been done by the owner has proved an utter failure.

8018. What you have described is the difficulty as to declaring the fishing mill-dam illegal?—Yes.

8019. Is that one particular in which, according to your experience, it is necessary that the Special Commissioners should have enlarged powers?—Yes, certainly; that is the question which must now go to the court above, whether they were right in the construction of the law, that ordering this gap was rendering the dam incapable of catching fish.

8020. At Question 121 of the evidence before this Committee a witness states that "weirs convert rivers into a state which makes them unsuitable for salmon." Is that your opinion?—Certainly not; if weirs have proper fish passes, in most cases they prove useful rather than otherwise; we have built weirs in Ireland for fishery purposes alone, so as to dam up the water; that makes basins for the fish ascending, and holds the fry and spent fish descending until a flood comes.

8021. You have done that at Newport, have you not?—Yes, and also at Ballycroy.

8022. Mr. *Knight.*] Do not those artificial ponds fill up with the wash of the river?—No; there is always a certain extent of sand carried down near where you have built the dam, but the pond above is free.

8023. *Chairman.*] Now, with regard to bye-laws, you have stated that you have very extensive powers to make bye-laws in Ireland?—Yes.

8024. I believe that you have had very considerable experience with regard to the working of bye-laws in Ireland?—Yes.

8025. Do you think that any general law could be framed without bye-laws that would suit all the rivers of the United Kingdom?—Certainly not; I think you can hardly frame an Act of Parliament to meet all the circumstances of the different rivers.

8026. You think that a great many arrangements must be left to be carried out by means of bye-laws, which should have special reference to the circumstances of each particular case?—Yes.

8027. Some of the witnesses have suggested that boards of conservators should have powers to make bye-laws, and that those bye-laws should be subject to some central controlling authority; do you agree with that opinion?—No.

8028. Will you kindly give your reasons for not agreeing with that?—I think that applications for bye-laws ought to emanate from boards of conservators or from proprietors of fisheries in rivers.

8029. That is to say from the persons desirous of having the bye-laws established?—Just so; but I think that the governing body ought to be the persons to make the bye-laws, and that those bye-laws should not be made until after a solemn inquiry on oath, as we do in Ireland.

8030. What is the course of procedure in order to procure bye-laws in Ireland at the present time?—The course of procedure is for the persons interested in the river, or the conservators of fisheries, to make application, and when that application is received a public meeting is called by advertisements, and by notices extensively placarded, to consider the matter.

8031. That is to say, there is a meeting of the persons who would be affected by the bye-laws?—Certainly; and at that inquiry evidence on oath is taken on both sides, *pro* and *con.* That evidence may be taken by only one inspector, and he hands it in with his opinion to his colleagues; the three then consider the matter, and agree upon such bye-law, or not; if they agree on the bye-law, that bye-law is made and circulated in the locality, and lodged at different public places, and is sent up to the Lord Lieutenant in Council for his approval.

8032. The appeal is nominally to the Lord Lieutenant, but really to the Judicial Committee of the Privy Council, is it not?—Yes, the appeal is really to the Judicial Committee of the Privy Council. The appeal is then heard by this Judicial Committee of the Privy Council, which consists of judges or ex-judges, and the notes of the evidence on which the inspectors acted, and their report, and the evidence that may be given by the parties opposing the bye-law, are all taken by the Privy Council *de novo*, so that they deal with the matter as if the inspectors or the Commissioners had nothing to do with it

8033. Mr. *Liddell.*] Are all those very interesting proceedings regulated by the Statute?—The 91st and 92nd sections of the 5 & 6 Vict. c. 106, regulate them.

8034. *Chairman.*] You are of opinion, I think, that the power of appeal might be given advantageously to a judge in chambers, instead of the mode at present adopted in Ireland?—I think that that power of appeal should be given to some judicial body. It was proposed to give an appeal to the Secretary of State, but he has to consult some officers, so that it is an appeal against their decision to themselves; it is not fair to the public, nor do I think it is fair to the officers or governing body.

8035. You think then that to discharge a public duty, it is better that an officer should have his acts all reviewed by an independent tribunal, who should take evidence on oath?—Yes.

8036. Instead of making, as in this country, an appeal to the Home Office, you would make it to a judge in chambers?—Yes, certainly. I do not think that conservators should make any bye-law. You can hardly get boards of conservators so thoroughly free from local influence either upper or lower, as to make it probable that they would pass bye-laws such as public officers would pass, who did not care either for the upper or lower people, and would act independently.

8037. A previous witness, in answer to Question 467, stated, "I think there are grave objections to having a board which is not absolutely dependent on a responsible Minister of the Crown;" do you agree with that opinion?—Certainly not.

8038. Is it a fact that the inspectors in Ireland are entirely independent of the Minister of the day?—Thoroughly independent.

Mr. *T. F. Brady.*

26 May 1870.

8039. And you think it is right that they should be so, do you not?—Certainly. The Chief Secretary for Ireland is our master, and if he wants to give Parliament any information he calls upon us for a report, and we are bound to give it; but we act quite independently of him in administering the laws. An appeal against us is not given to him, but to the Privy Council; that is to say, to the judges of the land.

8040. You say that you would give that appeal to a judge in chambers, for the purpose of simplifying the process?—I suggest a judge in chambers, simply because it would be rather a difficult thing in England to get the Privy Council to hear a case with regard to such small matters.

8041. I understand you to say that in Ireland there is no control exercised over you by the Lord Lieutenant, or by the secretary to the Lord Lieutenant?—Certainly not.

8042. You consider an appeal to the Secretary of State is virtually no appeal at all?—Certainly not, because he would have to apply to his officers, who had made the bye-law, for advice.

8043. Will you kindly refer again to that portion of the section of the Irish Act which gives power to make bye-laws?—The 91st section, 5 & 6 Vict. c. 106, gives the extensive power to which I have referred; the 92nd section provides for an appeal against us, and the 93rd section provides for the publication.

8044. Have you, under the provisions of that Act of Parliament, made a considerable number of bye-laws in Ireland?—Yes, we have.

8045. I think that a list of them is published as Appendix (C.) to your book?—Yes, there is an abstract of them there.

8046. The latest of these bye-laws was made on the 1st of March in this year, was it not?—Yes, on the Sligo river, prohibiting the snatching of salmon. We have a clause in the Act of Parliament for Ireland similar to that of England, prohibiting snatching, but the lawyers interpreted it that it meant an instrument for snatching with three hooks, and we have some expert fellows who do it with one hook; so it was necessary to make a bye-law to make it penal to catch with one hook, and we find that very useful.

8047. In the long list of bye-laws which you have made from time to time, have you had many appeals?—I think we have only had two appeals to the Privy Council.

8048. In the whole of this list of bye-laws?—Yes, in the whole of that list; we had an appeal the other day on the River Bandon in the county of Cork; we forbade netting in a great space of the river, and there was an appeal against us; the Duke of Devonshire was originally one of the appellants in that case.

8049. You have heard probably the evidence given before this Committee, with regard to the injury inflicted upon the salmon fishery of the Tyne by the use of very long nets?—Yes.

8050. Would bye-laws, such as you contemplate, effectually meet cases of that kind?—Certainly; I think the language of the 91st section is so comprehensive, that I can hardly imagine a case that could not be dealt with under it.

8051. In that case, if the course which you suggest were adopted, the parties would have an appeal to an independent tribunal, namely, a judge after a solemn inquiry on the spot, as recommended by the witnesses from Cullercoats?—Certainly; on the River Liffey we had a case somewhat similar; we forbade catching, or attempting to catch, salmon with any net of greater length than 350 yards, in a certain part of the river.

8052. I believe that you wish to offer some observation to the Committee with reference to the answers given to Questions 186, 187, and 188?—Yes, with regard to the diminution of fish in the River Tyne; in my opinion, that case would be met by conferring on the governing body powers similar to those given to the inspectors of Irish fisheries. It was quite impossible that the diminution in the number of nets engaged in one year could have arisen just because there were so many the year before; they could not have known that they had taken all the salmon, or that the quantity of the fish was so reduced that it could not have been worth their while; the fact must have been that the great number of men who were employed that year (and I believe there were 1,272) did not catch what paid their expenses, therefore they would not go out the next year; they could not have known that the fish were reduced in number until they had tried it.

8053. Your opinion is, that a great number of the persons who went into the trade found it did not answer?—Quite so; a great number of them could not compete with the professional fishermen who understood their work.

8054. With regard to the close seasons, are you of opinion that the governing body should have the power to regulate them?—Yes; I think that one general close season for the whole kingdom is bad.

8055. Would you propose to have one fixed period of 168 days?—It is not less than 168 days in Ireland, and I think the same would be right in England.

8056. Are there a great variety of seasons in Ireland with regard to salmon fishing?—Yes; a great variety.

8057. You would meet those various cases by bye-laws applicable to the circumstances of each river?—Yes.

8058. Would you have any appeal against the decision of the governing body?—Yes, certainly, I would give an appeal in every case; a Government officer acts far more independently when he knows there is an appeal if it should be found necessary.

8059. It has been suggested that the temperature of a river has something to do with making a river early or late; is that your opinion?—It has nothing whatever to do with it; we have caused inquiries to be made in Ireland with regard to the temperature for two years, and we find that we have the same temperature exactly in two rivers running into the same bay; one is as early as January, and the other not producing fish until June or July.

8060. You have ascertained that the temperature is exactly the same?—Yes; we employed the Coastguard. The Government appointed a Commission, and I was a member of that Commission for inquiring into the oyster fisheries of England, France, and Ireland; we considered it necessary to obtain the temperature throughout the kingdom, and also in France, and we employed the Coastguard to do it. Returns were taken very accurately, and I found that the temperature had nothing to do with the different seasons. I may inform the Committee that is the case in two rivers, namely, the Munhim and the Owenmore. The Munhim is an early river where

here there is winter fishing, and the Owenmore a late river.

8061. And those rivers discharge themselves to one estuary, I believe?—They discharge emselves through one common estuary into allachan Bay.

8062. Can you in any way account for the fference, between the seasons, in those two vers?—I cannot. I do not believe that any an living can, and I have studied the question closely as I possibly could.

8063. Every man has a theory, but you believe hat it is only a theory on the subject?—I believe is merely a theory.

8064. Is there any deficiency of water in ther of those rivers, at any season of the year, account for that difference?—At the season f the year, when the fish are running into the Munhim there is no difference in the water; in act the Munhim is a much smaller river than the Owenmore, and the fish pass by the mouth of the Owenmore and go into the Munhim. There are everal other instances (I have mentioned only hose two instances) of that kind in Ireland. There is the Bundrowes river running into Donegal Bay, and the great Bally-Shannon ishery, six miles of which brought in the Enumbered Estates Court the other day 45,000*l.*; n the Bundrowes river the finest fish is found in winter, while there is hardly any fish in the Ballyshannon, only three miles apart, till May or June. We will not, on principle, open the month of December, but we have opened January, in some places.

8065. Mr. *Hambro.*] Is not the Blackwater, in Kerry, fished in May, June, July, and August?—Yes.

8066. Does not the River Caragh, in the same county, open in January?—Yes.

8067. *Chairman.*] I daresay you know numerous instances of that kind?—Yes; I know numerous instances of that kind.

8068. And you are unable to account for them satisfactorily?—No man living can.

8069. In Ireland your close time is from six o'clock on Saturday morning to six o'clock on Monday morning, is it not?—Yes.

8070. Forty-eight hours?—Yes.

8071. Have you formed any opinion as to what it should be in this country?—I think that it should be the same in England as it is in Ireland.

8072. Would you give any extension of time to those who fish in tidal waters, and who can only fish for two or three hours in a period of 24 hours?—No; I think it would work better to have a uniform weekly close time, and in fact the nearer you can bring the laws of both countries together, the better it will be for both countries, and all the interests concerned in the salmon fisheries.

Tuesday, 31*st May* 1870.

MEMBERS PRESENT:

Colonel Amcotts.	Mr. Knatchbull-Hugessen.
Mr. Assheton.	Mr. Knight.
Mr. Joseph Dodds.	Mr. Liddell.
Mr. Hambro.	Mr. William Lowther.
Mr. Herbert.	Earl Percy.
Mr. Staveley Hill.	Mr. Whitwell.

JOSEPH DODDS, Esq., in the Chair.

Mr. Thomas Francis Brady, recalled; and further Examined.

Mr. *Brady*. —— 31 May 1870.

8073. Mr. *Liddell.*] Will you kindly inform the Committee where Deanstone is?—It is on a little river named the Teith, near Perth; it is within a few miles of Stirling, between Stirling and Callendar.

8074. *Chairman.*] Do you wish to read to the Committee some extracts relating to the form of fish passes; if so, will you kindly do it now?—I mentioned to the Committee the other day that we had in Ireland evidences of the good effect of fish passes, such as in the Ballisodare and Collooney rivers, which were not worth anything before, and have now become very valuable property owing to the fish passes. The plan of the fish pass is represented in this French pamphlet, and the history of these passes is published in the Report of the Commissioners of Fisheries for the year 1858, at page 7. This is the plan which is erroneously called the Forsyth plan. Mr. Cooper, who was the owner of the fishery and who built those passes, made a report to the Commissioners of Fisheries, and they published it in their Report to Parliament for the year 1858. It is a long report, but I will read to the Committee a few paragraphs from it. He gives the following extracts from the inspector's journal:—"1857, August 24th; saw several salmon in the hole under the fall of Collooney. September 24th; the river between Ballisodare and Collooney is now well stocked, salmon being visible in almost every deep hole, and a number being congregated between Collooney bridge and the hole under the fall. October 3rd; a flood being in the Owenmore, I shut the water off the Collooney ladder, to see if there were any fish passing up, and found seven salmon, and one white trout in the pond. Of these seven, five were males. October 13th; examined Collooney ladder, and reported to Mr. Leech that there were salmon in it; 27 salmon were found in it, the great majority of them being females. October 28th; again examined the ladder, and got three male fish," and so on. "September 1st; Collooney ladder literally full of fish. They did not run in such numbers last year until November, nearly over two months earlier this year. September 6th; plenty of fish immediately above Collooney bridge;" that is to say, having gone up the ladder. "September 25th; Collooney ladder swarming, and plenty showing in every place between bridge and fall. October 3rd to 6th; heavy floods; Collooney ladder resembles a steeple chase, as we see them clearing the steps in pairs, and some very good fish. October 8th and 9th; plenty of fish still on the run. October 16th; I have been watching the salmon jumping and playing at Collooney fall and ladder; I have visited the ladder daily this week, and from the numbers in it, am convinced that they could be removed from top of ladder with the hand. November 27th; great numbers of fish in Collooney ladder." I may state that there is a point in the fish pass like a landing in a staircase, where the fish rest in perfect safety, and then they take a second run. "November 27th; great numbers of fish in Collooney ladder; in addition to these notes of my inspector, one of my water keepers reported having counted 267 salmon in one hour, ascending the Collooney ladder: and Mr. Culbertson has written to me to say that he reckoned 100 in less than half an hour, making up the rapids at Ballisodare. On yesterday, December 2nd, there were so many fish in the pond at Collooney, that Mr. Leech took up no less than six at once in a common landing net. December 3rd, 1858. P.S. Since my letter was written, the Earl of Enniskillen has visited my fishery, and I extract the following from his notes entered in inspector's book: 'On the 9th December,' this is what Lord Enniskillen said, 'I visited Collooney ladder, and saw immense quantities of fish running up. Frequently saw four fish at the upper step, jumping together. On the 10th, again at Collooney; not nearly so many fish moving this day; counted at upper step, nineteen in five minutes; turned off the water, and put up 256 fish; this day (11th), counted 102 fish jump at the upper step in five minutes; turned off the water; the pond actually alive with fish, in general larger and fresher from the sea than those of yesterday. Put up 246 fish, and then stopped, as the fish were getting sick in the pond. I am confident that we did not take half the number out, and that we left from three to four hundred in the pond.'"

8075. Have you brought with you some of the contracts actually entered into for building fish passes after surveys?—Yes.

8076. Do they not show the precautions taken with the view of preventing injury to the dams?—Quite so; they are the last two contracts entered into by the Commissioners in Ireland on Ballincollig

Ballincollig weir, and on the Cork Waterworks weir.

8077. What are the dates?—The 11th of January 1868: the contract is 85 *l.* in the one case, and 315 *l.* in the other. These are actually the original contracts (*producing the contracts*). And one of the undertakings is: "I undertake to execute the said works without committing or causing any injury or damage to the said premises or weir." The contractor also binds himself to complete the said works on or before the 1st October 1868." He then gives two sureties in the sum of 400 *l.* "for the due performance of the foregoing contract."

8078. Mr. *Whitwell.*] Where is Collooney?—It is at Ballisodare, in the county of Sligo (*pointing it out on the Map*). Mr. Cooper obtained a private Act of Parliament, making the Ballisodare rivers a several fishery.

8079. *Chairman.*] Have you also brought with you two or three of the surveys that have been made in connection with the construction of fish passes?—Yes; I produce a tracing of one of the surveys attached to a contract for a fish pass.

8080. Your practice is to have similar surveys in every case, is it not?—Yes, I have several here from our engineer. We do nothing without a survey. We enter into a contract in this detailed manner, so that, in case of accident, we have a responsible contractor, and a responsible engineer.

8081. Was the importance of the Irish system of constructing fish passes mentioned by the English Commissioners in the year 1860?—Yes. The Royal Commissioners appointed to investigate the salmon fisheries in England and Wales reported on the importance of the Irish system, which you will find at page 23 of the Report of the Commissioners appointed to inquire into Salmon Fisheries (England and Wales) 1860. "In Ireland, by the operation of a series of Acts, commencing with the 5 & 6 Vict. c. 106, the salmon fisheries have exhibited a gradual and steady improvement." Again they say: "The result of the Irish experiment is particularly encouraging, although it must be admitted that the Acts are in many points defective, and do not carry out sound principles, so far as might be desired." That has since been amended by the passing of an Act of Parliament correcting those deficiencies, namely, the 26 & 27 Vict. c. 114. Their report goes on "The powers of superintendence and control lodged in the Commissioners, form a very important element in the Irish fishing code. In fact, the discretion with which they are invested of declaring boundaries, of enacting bye-laws, of removing obstructions, and of modifying the strict provisions of the law with respect to close times, and other matters, may be regarded as the keystone of the system."

8082. In most of those particulars are we still very considerably behind Ireland with regard to salmon fishery legislation?—Considerably.

8083. Have you formed an opinion with regard to the persons who should bear the cost of constructing fish passes where weirs have been erected or enhanced within 20 years?—I think the owners ought in such cases to be made to pay the expenses; the owners in Ireland are made to pay the expenses if they have enhanced their weirs since the year 1842; and it is our duty in Ireland, if a complaint is made to us that a weir has been raised in height or enhanced, to inquire into the allegation, and if we find it correct, to cause the owner to build a fish pass in such form as we approve. The Royal Commissioners for England and Wales also reported on this matter, "There is, however, a class of existing weirs in respect to which we think the burthen of providing the means of transit for the fish should be laid, not upon the public, but upon the party by whom they were constructed, or to whom they actually belong. We found certain modern weirs which had recently been put up, or had been altered in such a manner as materially to increase the obstruction before offered by them. In some cases companies or public bodies appear to have executed the powers placed in their hands with a total disregard to the injury they were inflicting on the fishery, and the absence of any official authority for the protection of the waters has induced an acquiescence in the nuisance. It appears to us that it would be equitable and right to oblige all parties who have erected or have enhanced any weirs within a given period, say 20 years, to construct a passage over them for the fish at their own expense."

8084. Is it your opinion that all the fisheries, that is to say, the salmon fisheries, the sea fisheries, and also the oyster fisheries of the country, should be placed under the supervision of one board?—I think it would be very important, both for Ireland and England, if they were placed under the supervision of one board. Our code of oyster fisheries law is embraced in a little book compiled by myself, which I will hand in to the Committee.

8085. Mr. *Liddell.*] Are the oyster fisheries of Ireland of much value?—Yes; and we have the most recent legislation, namely, that of last Session, on the subject.

8086. *Chairman.*] It is your opinion, I think, that in the great majority of cases, fish passes may be constructed which are thoroughly efficient?—There is no doubt about it.

8087. It may not be necessary in the great majority of cases to interfere with the mill dams at all, except for the purpose of constructing fish passes, I suppose?—Just so.

8088. There are cases in which you think it would be desirable to have compulsory powers to purchase dams, are there not?—I think so, under proper restrictions; I think the governing body ought to have power to prevent an injury through caprice or otherwise to the miller. A riparian owner may say, "This mill is obnoxious to my view, I will take it away and I will pay compensation." But he ought not to have the power to do that. The governing body, the Commissioners or inspectors, should have power to hold an investigation into the case, and if the benefit to be derived by the public were great, the miller should be compelled to sell his mill.

8089. Perhaps you would protect that power by a further provision, such as is imposed upon boards of health when they desire to purchase property for the benefit of the public, namely, that a provisional order should be made, and that that order should be sanctioned by Parliament?—I hardly think the necessity for sanctioning the order by Parliament would arise; I think those things should be subject to the general appeal which may be made from bye-laws or orders.

8090. That is to say, an appeal to a judge?—Yes; I think that would be quite sufficient. Let the governing body make their decision perfectly

Mr. *Brady.*

31 May 1870.

perfectly independently and wholly on public grounds, with an appeal against their decision to some tribunal, and I think that tribunal should be the Judge in Chambers.

8091. In the same way as you have before suggested to this Committee, power should be given to a Judge in Chambers with regard to bye-laws?—Yes, quite so; I suggested the Judge in Chambers simply because, perhaps, the Privy Council would consider this too trifling a matter to investigate.

8092. In suggesting a Judge in Chambers, a strictly judicial appeal was your object, was it not?—Yes.

8093. Your attention has, of course, been directed to the subject of license duties, both in this country and in Ireland?—Yes.

8094. Will you be kind enough to explain to the Committee what is the course pursued in Ireland with regard to licenses?—The schedule of license duties payable in each district in Ireland will be found in the appendices to my little book. Originally, the Act of 11 & 12 Vict. c. 92, fixed the schedule of license duties, and gave the Commissioners the power, in the first instance, of saying what the amount of the license should be on each engine used for fishing; but that it should not exceed the maximum named in the schedule. The Commissioners commenced by halving the license duties; the boards of conservators in Ireland have the power to increase it to the maximum named in the Act of Parliament, subject to the approval of the Commissioners. They have gone on increasing those license duties until, in nearly every district in Ireland, they are now up to the maximum. In addition to the license duties we have 10 per cent. on the poor law valuation of all several fisheries, and the proprietor pays the difference between the 10 per cent. and the amount of license duties, that his engines would be liable to whatever that may be, whichever is the greater. If the license duty is greater than the 10 per cent., he pays the license duty, and if the 10 per cent. is greater than the license duty, he pays the 10 per cent.

8095. Do you suggest any amendment in that system in Ireland, or does it, in your opinion, work satisfactorily?—Our system works satisfactorily in Ireland.

8096. Do you think that that system could be applied with advantage to this country?—I have no doubt it could; I can see no difficulty whatever about it.

8097. You think it would be a great improvement on the existing system?—Yes, there is not the least doubt of it.

8098. And you say that after having seen both systems in operation?—Yes, having seen both systems in operation.

8099. What is the practice in Ireland with regard to the license for rod fishing?—With regard to the rod license, that is now on the individual and not on the rod, and it is not transferable. The license duty is generally 10 *s.* on a rod in Ireland; in some districts it is 1 *l.*, and in most places we are very anxious to get it up to 1 *l.*; but in some districts the board of conservators say that when the licenses on the nets are so low as they are now are, the license on rods would be too high at 1 *l.*, and so it remains at 10 *s.*

8100. Mr. *Liddell.*] Is there any license required for trout fishing in salmon rivers?—Fishing for trout, perch, and pike with rods is specially exempted from license duty by the [illegible] & 12 Vict.

8101. But a strict watch would be kept ov[illegible] their using a large fly for instance, I suppose?—No doubt there are infringements of the law wi[illegible] regard to trout fishing; but after all it is a ver[illegible] trivial thing.

8102. *Chairman.*] You know the long n[illegible] called a sweeper, do you not?—Yes.

8103. What is your opinion with regard to t[illegible] way in which that net should be licensed?—think that a net like the sweeper, which nothing more than an ordinary draught net, onl[illegible] much longer, should have a much heavier licens[illegible] duty than an ordinary draught net; say tha[illegible] after a certain number of yards it should pa[illegible] extra.

8104. It has been suggested to this Committe[illegible] that a mode of charging should be adopte[illegible] similar to that adopted in the English Act, wit[illegible] regard to outriggers; what is your opinion abou[illegible] that?—I think it would be a very important im[illegible] provement for us in Ireland.

8105. Do you think that that system shoul[illegible] also be adopted in this country?—I do.

8106. Have you in Ireland a rate on th[illegible] valuation of the fisheries?—Yes; we have a 1[illegible] per cent. rate on the fisheries valued under the poor law; that goes just in the same manner a[illegible] the license duty to the board of conservators.

8107. And that rate is made available for improvements that may be required, and for expenses, is it not?—Yes, in all cases; it becomes part and parcel of the license money; but in England it requires something more than that, because you have so many improvements to make if ever the salmon fisheries of England are to be worth anything.

8108. Have you considered at all what would be the system that we might adopt in this country with regard to rating?—I think it would be important to put an additional duty on all engines used for fishing in districts where improvements have been made, or where conservators have gone to expense to effect improvements; that might be done subject also to the approval of the governing body.

8109. Has your attention been called to the evidence that was given before this Committee in answer to Question 136, "The simplest basis for rating would be to take the extent of the boundaries"?—Yes, my attention has been called to that evidence, and I think the proposition would be most unjust; there are riparian owners of rivers whose fisheries never were worth and never will be worth a shilling, and my opinion is that it would be very hard to tax those gentlemen for the improvement of their neighbours' property.

8110. You think that the Irish system might be adopted with advantage in this country?—I have no doubt of it; if a man's fishery property has improved in a river by means of fish passes, or from any other source that the board of conservators approve of, he would very naturally avail himself of that improvement and use some engine to fish it. Then in addition to the ordinary duty to which the engine he uses would be liable, I think he ought to pay duty for the improvements, which would only last a certain number of years.

8111. Now with regard to the powers of water bailiffs, have they power in Ireland to traverse the bank of rivers?—Yes, their powers are regulated

ted by the 84th section of the 5 & 6 Vict. 06; those powers are very extensive.

12. Do you find many complaints in conse- ice of those powers?—No complaints what- r.

113. Do you think that that system might be ted in this country with advantage?—Yes, ill read the section, if the Committee will w me: "That every water bailiff appointed foresaid shall be empowered to exercise the ers and authorities of a constable for the en- ement of the provisions of this Act, and shall t liberty at all times and seasons, without any or hindrance whatsoever, to enter into and pass ugh or along the banks or borders of any lakes ivers frequented by salmon or trout, or of the utaries thereof, for the protection of the fish- s whereof he shall be so appointed as aforesaid, with boats or otherwise to enter upon all and ry such lakes or rivers, and to enter upon and mine all weirs, sluices, mill-dams, mill races, watercourses communicating therewith, and pass along the same, and to enter any boat or ts engaged in fishing, and to examine all nding, floating, or other nets whatsoever, and seize all illegal nets;" and so on.

3114. Then, with regard to the powers of ter bailiffs, with regard to searching suspected rsons; they have power at present, to a limited tent, in this country; but should that power extended, in your opinion, so as to enable em to search the person?—I think not. I uld not like to see that experiment tried in eland.

8115. That is not done in Ireland?—It is not. think the water bailiff would have to take a im for it if he tried it.

8116. Do you think that there should be inimum penalties in certain cases?—In certain ses I think it would be important; minimum nalties, as a rule, are not good, because I know e feeling of the magistrates is to let off a party he is compelled to fine him, perhaps, a large m, for what might have been a very small fence, and, perhaps, committed quite accident- ly; but where a second offence, or a third fence took place, I would not only have mini- um penalties, but I would have increased nalties.

8117. Would you after the second or third fence give a power of imprisonment?—Yes; rtainly I would.

8118. With regard to the election of fishery ards; what is the state of the law in Ireland the present time?—Boards of conservators e elected by persons who pay a license duty in ch electoral division.

8119. Excluding the riparian owners?—The parian owner has no power of election, unless is a license payer.

8120. I am reminded that the expression electoral division" is new to this Committee in nnection with this subject; what is an electoral vision in Ireland?—In Ireland, originally, when e 11 & 12 Vict. c. 92 was passed, the Commis- oners were directed to portion out Ireland into hery districts, embracing a certain portion of e coast, and a certain portion of the inland aters; and they were directed to subdivide ch fishery district into electoral divisions, and apportion a number of conservators to repre- nt each electoral division, and all the electoral visions joined together formed one board for e district; then there is power given under the Act of Parliament for the general board to depute to any electoral division the management of its own immediate affairs, reporting to the board.

Mr. *Brady*. 31 May 1870.

8121. That is to say, a kind of sub-committee of the board?—Yes, a kind of sub-committee.

8122. But having no powers, except such as are delegated to them by the general board?—Exactly so.

8123. Now, in what mode are the members of the board elected?—The persons who have paid a license duty in each electoral division are entitled to vote for a number of conservators in that electoral division. I probably cannot do better than place before the Committee the rules and regulations for the election of the conservators of fisheries, which will take place in Ireland in October next; they are just prepared by myself.

8124. That illustrates the system pursued in Ireland, does it?—Just so. This is merely the proof, but the regulations will be issued in due time: "Every person shall be entitled to vote at such meetings who shall have paid license duty for the current year within the electoral division for which such meeting is held, and no others. Such persons shall choose a chairman to preside at such meeting, who shall receive the votes of the electors. No person shall be eligible for the office of conservator in any electoral division in which he does not reside or possess real property. Every person shall produce their licenses for the current year at the time of voting. Persons entitled as aforesaid to vote at such meetings shall be entitled to have a vote or votes thereat according to the following scale (that is to say), if the license duty paid—shall not amount to 2 *l.*, one vote; shall amount to 2 *l.* and not amount to 5 *l.*, two votes; shall amount to 5 *l.* and not amount to 10 *l.*, three votes; shall exceed 10 *l.*, four votes." (*The Paper was handed in*, vide *Appendix.*) By that means we have the upper and lower waters equally represented. We have a workable board. The greatest number of conservators in Ireland is in the Limerick district; it is 24; 12 conservators for the two tidal electoral divisions, and 12 conservators for the four fresh water electoral divisions, so that we have the members equally balanced.

8125. Do you find that that system gives general satisfaction in Ireland?—I think it does; it is a better system than that adopted in England, I think; it is more workable, because you have a board of conservators elected by the persons who have the greatest interest in it, and no riparian owner can be excluded from voting, provided he takes out a license. Then, in addition to the elected conservators, we have in Ireland *ex officio* conservators, that is to say, proprietors who have fisheries of the value of 100 *l* a year are *ex officio* conservators. If three or four persons own one fishery, as is very often the case, only one can sit as an *ex officio* conservator. Magistrates paying a license duty and having land abutting on rivers, are also *ex officio* conservators; but that is an experiment which has been only tried for the first time, under the 26th and 27th of Victoria.

8126. What additional power does that give them, since if they pay license duty they are entitled to vote irrespective of their qualifications as magistrates?—In the one case they are entitled to elect, and in the other case they are entitled to sit as *ex officio* conservators. They have not only

Mr. *Brady.*

31 May 1870.

only their own vote as conservators, but they can vote for another conservator.

8127. Mr. *Liddell.*] I presume the value of their respective fisheries is ascertained under the poor law valuation made for rating purposes?—Yes, under the poor law valuation made for rating purposes; the poor law valuation is founded on Griffith's valuation, I think.

8128. *Chairman.*] Is it desirable, do you think, that fishing should be prohibited in certain places?—There is no doubt about it.

8129. Would you prohibit fishing in all mill premises?—Certainly; that is done under the 76th section of the 5th and 6th Victoria. Fishing in all mill premises is prohibited.

8130. And within a certain distance of a free gap, I suppose?—Yes.

8131. Within what distance would you say?—Within 50 yards of a free gap; that is also the Irish law.

8132. Now, with regard to mill-dams, is there any restriction about that in Ireland?—The law about mill-dams is that unless the proprietor has exercised the right of fishing thereat for 20 years before the passing of the 13th and 14th of the Queen (1850), he would not have the right of fishing within 200 yards of the dam. That was the law up to the passing of the 26th and 27th of the Queen (1863), when the law was amended, and the law is now that even such a proprietor shall not fish within 50 yards of the mill-dam unless there is a pass, and that pass is constantly full of water, which will enable the salmon at all times to ascend.

8133. What is the limit with regard to mill-dams?—Two hundred yards.

8134. Is that above and below?—Yes, both above and below. That is, saving the rod and line, but that right cannot be now exercised unless it has been exercised for 20 years prior to the passing of the Act in 1850.

8135. Would you also propose to forbid fishing within a certain distance of the mouth of any river?—It would be very important to do it; I would prevent fishing with moveable engines within half a mile of the mouth of rivers, the mouth of each river to be defined and mapped. I can show the Committee some of the definitions of mouths of rivers in Ireland. I would forbid fixed engines, as is done in Ireland, within one mile of the mouth of a river.

8136. You would forbid fishing with fixed engines within a mile, and moveable engines within half a mile of the mouth of rivers?—Yes; this is the district of Ballycastle (*producing a plan*). This blue colour shows the half mile within which all moveable nets are prohibited; the red line shows that fixed engines cannot be placed within a mile of the river; the other line shows the distance within which bag nets cannot be used, viz., three miles. We have mapped out every district in Ireland in the same way, and those plans are evidence in a court of law.

8137. All these are done by the Irish Commissioners, I suppose?—Yes, they are done by the Irish Commissioners for all the rivers in Ireland.

8138. Is that at the expense of the nation?—Yes; as part of our general expenditure they are included in our estimates every year.

8139. Is it your opinion that similar provisions should be made with regard to the English fisheries?—Certainly; I think it would be most important.

8140. Would you forbid fishing within a particular hours in fresh waters?—Yes; the sa as has been done in Ireland, between eight night and six in the morning.

8141. Then may people fish in fresh wate between those hours in Ireland?—No, there only one exception; that is to say, the owner of several fishery next above the tidal flow may d so.

8142. Is that by express enactment?—Yes, b express enactment; but it is not at all a thin that I would advise to be put into an Act of Pa liament any more.

8143. You think it is objectionable?—I thin it is objectionable.

8144. Would you place any restriction upo fishing in fresh water at all; I mean with regar to hours?—Yes, certainly; I would forbid al net fishing in the upper waters from eight o'cloc at night until six o'clock in the morning.

8145. That would virtually prohibit all kind of fishing during the night, would it not?—I would effectually prevent all night fishing in the upper waters.

8146. Is it necessary that anybody should define the boundary between the fresh and the tidal waters?—It would be necessary in the same way that those other definitions are done; if you forbid netting at night in fresh waters, you must define where the salt and fresh waters meet. That would be one of the duties of the governing body; we have done it in Ireland in almost every river where netting is carried on in the fresh waters.

8147. Now with regard to gratings to mills, what is the course pursued in Ireland?—Under the 76th section of the 5th & 6th Vict. c. 106, it is provided, "That in all watercourses, cuts, channels, or sluices constructed for the purpose of conveying water from any river frequented by salmon, for the supply of towns, the irrigation of lands, or any purpose other than the supply of water for navigation, or as a moving power for machinery, or for fish ponds, there shall be placed and fixed by the occupier of such watercourses, cuts, channels, or sluices, at their points of divergence from and return to such river, and above and below such sluices, a grating, or lattice (the space between the bars whereof shall not exceed two inches in any place), extending across the whole width of such watercourse, cut, channel, or sluices, and from the bottom of the bed or sill thereof respectively, to the level of the highest winter or flood waters; and during the months of March, April, and May, and such other periods of the year as the brood or fry of salmon or trout shall be descending the rivers, there shall be placed or stretched over the entire surface of such grating a wire lattice or network of such dimensions as effectually to prevent the admission of salmon fry or other small fish into such watercourses, cuts, channels, or sluices; and the owner, lessee, or occupier of any such premises to which such watercourse leads, or other person making or using, or having the care and maintenance of any such watercourse, cut, channel, or sluice, shall secure and fix the said grating," and so on.

8148. That excepts mills, does it not?—Yes, that excepts mills, and so it remained until after the passing last Session of the 32nd Vict. c. 9, and that Act in the fourth section enacts as follows—that "In the construction of the said 'Salmon Fishery (Ireland) Act, 1863,' and the Acts to be construed therewith, the exemption from compliance

ce with the provisions of section 76 of the 5 & 6 Vict. c. 106, of owners, lessees, occu-, and other persons in respect of water-es, cuts, channels, or sluices, where such rcourses, cuts, channels, or sluices, are con-ted for the purpose of conveying water from river frequented by salmon as a moving r for machinery, shall be deemed to extend shall extend only to such cases in which, and uch periods during which it shall be proved he satisfaction of the said inspectors of ries that such exemption is necessary for the tive working of any such machinery." Now y miller in the country is liable to a penalty not putting up gratings, unless he obtains the inspectors of fisheries an exemption ing that it is injurious to the mill.

149. The onus is on the miller to show that would be injurious to the mill, is it not?—Yes, have not carried out that law very stringently Ireland, because we are very tenacious of the ling interest.

150. I understand you to say that that is ler an Act of Parliament which was passed t Session, and therefore perhaps it has scarcely t into operation yet?—Just so, it is not in good rking order at present.

8151. What is the character of the gratings t are placed across mill races in Ireland?—ur engineer has designed plans of gratings, and e have supplied them to every miller in Ire-nd; they are horizontal bars, with an opening two inches, in a V shape; the inscale is flat on, and the bars are two inches apart, with one ch square iron, or galvanised wire can be used.

8152. Are they all alike?—Yes, they are all ike. Then there is a fry guard, with two sets sieves, so that when one set gets foul, the econd can be used while cleaning the first. hese will be necessary only during the months March, April, and May, or such other periods the fry are descending; in most mills the fry ill go perfectly safe, and we have not enforced is fry guard in any case except where a turbine used, which of course chops up everything that omes in.

8153. You have defined on those diagrams the ratings for the tail races as well as for the head aces?—Yes, we have defined both; we have done it merely for the purpose of giving a kind of guid-nce or instruction to the miller; but we say to im, "Suggest any other course you wish, and e will consider it."

8154. That is to say, these designs are for their onsideration?—Yes.

8155. If the millers find that modifications are ecessary, they submit them to you, I suppose?—Yes, they submit them to us, but they are not uch carried out up to the present time in Ire-and.

8156. Not with regard to mills?—No, not with egard to the mills, except in cases where a tur-ine is used; but the complaint that the millers ake to us in Ireland is; "If I put this grating n the head race, I obstruct the passage of the vater to the mill; it collects weeds and dirt." Now with regard to that last point, that is only matter of a little expense to keep it clean, but f it obstructs the passage of the water in such a vay as to affect the milling power we give the niller an exemption immediately upon his proving hat to us; however, one thing suggested itself o me in carrying out this provision of the law, namely, that if the miller had the power of taking in a small portion of land where that grating is to be put up, so as to compensate for the amount of water way that the bars take up, that would remove all difficulty.

8157. That is to say, at the place where the grating is fixed, you would widen the mouth?—Yes, take in two or three yards of land extra.

8158. You would widen it to such an extent as would compensate the miller for the obstruction by the bars?—Yes, to such an extent as would compensate for the obstruction, and then the only difficulty that the miller would have would be keeping it clean; if he had such a mill race course, that it would be necessary to send a man up a long distance to keep it clean, I would exempt him; but if it was only a short mill leat, I would not exempt him.

8159. Do you think that provisions similar to those should be inserted in our English law, with the same power to suspend their operation?—Yes; I think the governing body in England should possess the same powers.

8160. Have you had your attention directed to the evidence given before this Committee with regard to the value of the fisheries in this country, in the answers to Questions 13 to 18?—Yes, I remember reading that evidence.

8161. Do you concur in the opinions expressed by Mr. Walpole in his evidence at those questions?—Certainly not. I think that instead of 25 weeks' fishing, the average number of weeks fishing, either in this country or any other, is not more than 12, or at the very outside 14. In most cases in the great fisheries in Ireland, they have not more than eight weeks' fishing.

8162. Mr. *Liddell.*] Do you mean good fishing?—I mean net fishing; commercial fishing.

8163. *Chairman.*] You think that the season does not average more than 12 weeks, or from that to 16 weeks?—Certainly, it is in very few places that we have 16 weeks. In the Ballyshannon fishery and the Bann fishery, it is only eight weeks; in Ballina and Galway they have about 14 weeks. Those are all very fine salmon fisheries.

8164. Mr. *Liddell.*] You speak of productive fishing?—Yes; I mean when a man can earn wages. I do not mean to say that that is their season for fishing, because they can fish from the 1st of February, as their lawful season; but although they have that power, they absolutely do not commence fishing until the latter end of May or June in those fisheries which I have named.

8165. *Chairman.*] Have you paid particular attention to the 25th Question, and the answer to it in the evidence of Mr. Walpole before this Committee with regard to the value of the River Ribble fishery?—Yes; I have made an average of the prices given, which shows that the average price, according to that, would be 6 *s.* 3 *d.* in 1867, and more than double that in 1869; that is to say, 6 *s.* 3 *d.* per fish.

8166. In the year 1869 it would be 14 *s.* 5 *d.*, would it not?—Yes; but fish was cheaper in 1869 than it had been for years previously. My opinion is, that it is impossible from any data we have as yet, to calculate the value of the salmon fisheries in England or Ireland.

8167. You mention those cases for the purpose of showing that it is impossible to calculate the value, do you?—Perfectly impossible; all calculations based on the statistics that we have now must be mere theory.

Mr. *Brady.*

31 May 1870.

8168. Have you made a calculation with regard to the average per man on the number of men employed in Ireland?—Taking Mr. Walpole's calculation, I think there are 7,000 men employed, which would give 40 *l.* or 45 *l.* a man in Ireland.

8169. That is very much in excess of what they do earn, is it not?—Yes; the men would be very glad if they earned half of that.

8170. Do you think that our English laws are defective, with regard to the power to make bye-laws?—Certainly; there are deficiencies in not giving power to the governing body to make bye-laws.

8171. You would have those bye-laws made by the governing body and confirmed by a judge, would you?—Certainly.

8172. Would you have those powers extend to the prohibition of netting in the upper waters during the night?—I would, unless Parliament would enact it the same as it is in Ireland.

8173. You would prefer that Parliament should enact it positively?—Yes, certainly.

8174. And failing that, you would like power to do that by a bye-law?—Yes.

8175. Do you think that we require additional powers in this country with regard to the construction of fish passes?—Yes, no doubt; that is one of the most important, if not the most important, power that you require.

8176. And with regard to enforcing gratings at the head and tail races?—Yes, powers as to gratings at the head and tail races, similar to what we have in Ireland.

8177. In Ireland those matters are incorporated in your laws, are they not?—Yes.

8178. And you think we should have similar laws in this country?—It would be better if Parliament were to enact them, so as to be applicable to all rivers, and then give the governing body the power to make bye-laws applicable to the special circumstances of each river.

8179. With regard to the close seasons, should there, in your opinion, be power to vary them by bye laws?—Yes; I think another very important power would be to forbid angling in any district for trout, during the descent of the salmon fry; that we have not the power of doing in Ireland.

8180. The salmon fry is descending mainly at a time of the year when the trout is not of very great value?—Yes, when the salmon fry is descending, the trout is not of very great value, and then little boys go out under the pretence of catching trout, and they destroy a good deal of salmon fry; the commissioners have not the power of forbidding it in Ireland.

8181. You have already said that it would be a great advantage if there was one fishery board for England and Ireland?—No doubt.

8182. Perhaps also comprising Scotland?—Yes, also comprising Scotland; I have no doubt it would work better for both countries, and I think it would be more economical eventually.

8183. Under that board you would appoint inspectors and such officers as the circumstances required?—Certainly, there must be inspectors in each country.

8184. You think that that arrangement would combine advantage to the public and eventually economy to the state?—Yes, I think so.

8185. You have stated that you have acted as secretary to the special commissioners for the English fisheries from the time that they were appointed?—Yes.

8186. And you still discharge the duties that office, do you not?—I still discharge t duties of that office.

8187. Have you any particulars of the amo of work that has been done by those spec commissioners?—I can give you some statisti they have tried 478 case; they have deliver judgment in 398 cases; adjourned 36 cases, and cases turned out not to be within their jurisdi tion; those were fixed engines belonging to t Crown, or fixed engines that turned out to merely sea fisheries engines, but not for salmo They allowed 93 claims, partly allowed 14, a disallowed 291.

8188. Have you had applications from vario fishery districts with regard to other inquiri that it is thought desirable the commissione should undertake?—Yes, even up to yesterday.

8189. Can you give the Committee any ide of the extent of work remaining to be done; am confining my question to work such as the have already done up to the present time?— was looking over our books, and I think ther are about 450 cases that would come within th commissioners' jurisdiction.

8190. Without giving the commissioners an extended powers?—Without giving them an extended powers there would be about 90 case yet to be tried.

8191. That number may be diminished to some extent, I suppose?—Yes.

8192. Are there several cases on the Tees with regard to which the Tees fishery board, two or three years ago, asked you to make inquiries?—Yes.

8193. I believe that about as many remain to be decided upon that river as have already been decided?—Yes, it is just about equal.

8194. I understand you to say that those inquiries of the special commissioners are put in operation by applications from fishery districts to hold inquiries; is that so?—In some cases the commissioners are put in operation by applications from the fishery districts to hold inquiries; in other cases from individuals interested.

8195. Are the majority of the cases that remain to be inquired into cases where application has been made to the special commissioners?—Yes.

8196. Has experience shown it to be desirable that the powers of the commissioners should be extended in some particulars, in your opinion?—I would extend the powers of the special commissioners just to the same extent that we have in Ireland at the present time.

8197. Is there anything that you think should be added to the evidence you gave us the first day of your examination?—I think I have said that the commissioners should have the same powers with regard to mill-dams that we have in Ireland.

8198. At present they have not the same powers in England as they have in Ireland?—They have not.

8199. And you think it exceedingly desirable that they should have those powers?—Yes; if Parliament agrees to get the owner to build fish passes in case where he has no legal title to the dam, or where he has put the dam up recently.

8200. Now we have heard complaints that the commissioners have called on parties to produce their title deeds by issuing summonses; will you explain to the Committee what the practice is with regard to parties applying for forms of summonses?

ses?—The practice is to issuse a blank form mmons, signed by one of the commissioners, ne same manner that the clerk of a court of will issue a subpœna to anyone applying for

201. In fact those blank forms are kept by , as secretary to the commissioners, and sent to the parties applying for them?—Yes, they signed in blank by the commissioners.

202. And they are issued in the ordinary rse?—Yes, they are issued quite in the ordi- y course to any person applying for them, and person receiving them fills them up, directing m to the party, stating for what purpose they required.

203. After the commissioners have pro- nced judgment, certificates are issued, I be- e?—After the commissioners have pronounced gment, certificates are issued, or orders con- ning the weir, as the case may be, and those ers are lodged with the clerks of the peace, l with the boards of conservators in each dis- t; in fact, the preparation of the documents r the trial requires an amount of time and care t is hardly conceivable; some of the parties not give us the information necessary in order fill up the certificates until a long time after trials; in fact, some of our earliest trials are t yet completed, owing to the parties not having rnished us with the necessary information.

8204. Is there any other point upon which you sh to make any observations to the Committee? There was an important judgment in Scotland th regard to compelling the owners of mills to t up gratings.

8205. That judgment has been recorded, has it t?—Yes, it is a very important judgment.

8206. Is that the case of Kennedy *v.* Murray, erk to the Girvan District Fishery Board?—es.

8207. That is reported in the "Scottish rist," volume 51, page 56, is it not?—Yes.

8208. Will you be kind enough to state actly the nature of that judgment?—The ortest way of explaining it is to state exactly hat it is; it was held by the judges there, that e Salmon Fishery Commissioners, acting under e Act of 1862, had power to make bye-laws plicable to mill-dams, &c., whether in process being constructed, or repaired, or not; and it as decided by four judges, against three dissen- ents, that the Commissioners had also power to pose an obligation on the owners or occupiers mills to execute at their own cost the works nbraced in the bye-laws so made. Now the bye- ws embraced not only gratings, but fish passes. he dissentients were the Lord President, Lord stice Clerk, and Lord Cowan.

8209. Is there any other point which you wish mention?—With regard to dividing the country to districts, I think our plan in Ireland much referable to that adopted in England; that is to y, that the Commissioners, or governing body, ould divide England into districts in the same ay that the Irish Commissioners originally vided Ireland into districts, and that they ould name the number of Conservators to be ected for each electoral division.

8210. You think that that would be an im- rovement on the system at present existing in is country?—I am quite sure it would; in ost parts of England the districts are too large be workable, and in some places, for instance the Trent and Wharfe, we should only have one district, but sub-divided into electoral divisions.

8211. Mr. *Knatchbull-Hugessen.*] I wish to ask you about the central board, of which you have spoken; do you contemplate assimilating the law of the three countries?—Certainly; with regard to assimilating the law of England and Ireland, I have little doubt about it. I do not pretend to know much about the law of Scotland, but I know the opinion of one of the ablest men I ever knew in fishery matters, Mr. Eden, was in favour of one board for the three kingdoms, and he was at that time Commissioner for Scotland.

8212. Although the law might in some respects be different to the law of Scotland, I suppose?—Yes, the law might be different in some respects with regard to Scotland, but I should say there would be no difficulty in carrying that out; of course you should have inspectors in each country.

8213. Do you contemplate that central board being headed by a Minister responsible to Parliament?—No. The Chief Secretary for Ireland calls upon us for a report if he wishes to answer any question in Parliament. In the administration of the law we are practically not subject to control, for the Acts direct what is to be done.

8214. Your opinion clearly is, that a central board, the head of which was not being directly responsible to Parliament, might control the fisheries of the three countries?—Yes; but I can hardly understand a board not being responsible to Parliament.

8215. But I mean a board not represented in Parliament?—Just so, not represented in Parliament; I think there is no necessity for a board being represented in Parliament.

8216. Mr. *Liddell.*] To follow up this very important question, first, with regard to the question of responsibility, would it not be perfectly easy to make this board directly responsible either to the Home Office or the Board of Trade, as Parliament might think fit?—The board must be responsible to the Secretary of State. We cannot ignore the Secretary of State as the head of everything, but I want a board perfectly independent of any Minister, just in the same way as the Irish Board is independent, in carrying out the laws, of any Minister now.

8217. But there is a direct responsibility to the Lord Lieutenant, is there not?—Yes, there is a direct responsibility to, and by the Act we are subject to, the control of the Lord Lieutenant; but that is really only in the same way as we hold ourselves responsible to the Secretary of State, if he wants any information.

8218. Would there be any difficulty, do you think, in making such a board in London directly responsible to the Secretary of State for the Home Department, or to the President of the Board of Trade, as the case may be?—Certainly not; if you wish to make the board responsible to any public department. But my idea is that the board should be perfectly independent, and that they should carry out the duties put on them by Parliament. Against their decisions or judgments there should be an appeal, not to the Secretary of State, but to some judicial tribunal, who would investigate the circumstances, as the commissioners or the board did in the first instance.

8219. But supposing a case of complaint to arise in any constituency in the kingdom, and the

Mr. *Brady.*

31 May 1870.

representative of that constituency to be charged with the complaint, would it not be absolutely necessary that in his place in Parliament he should be able to refer to some responsible Minister for an answer to the act of the board?—It is just the same in Ireland. If any complaint is made of us, any Member of Parliament calls on the Chief Secretary to account for our conduct. The Chief Secretary would refer to us, and we would report at once the circumstances of the case. He would be then in full possession of every matter, and of course we are dependent on him just as we would be with the Secretary of State at this moment, although the latter is not our immediate head. If he calls upon us for information, we would feel ourselves bound to give him information, just as quickly as we should to the Chief Secretary for Ireland.

8220. Do you contemplate that this central fishery board should contain, or should command, the services of a lawyer and engineer, and somebody to represent the natural history department?—I really did not enter into that question; but it would be very important to have the services of practical men. It is very important to have a lawyer, I think. I can see now the want of such a thing in Ireland, where none of us are lawyers; but, so far as regards an engineer, instead of one being on the board it would be better to have the engineer an officer of the board, because you cannot expect men in a judicial position like the commissioners to go down and survey rivers.

8221. Do I understand you also to contemplate that the body of inspectors should be, as it were, a consultative council to whom the board might at all times apply?—My opinion is, that the body of inspectors should be nothing more than officers responsible to the board, in the same way that the inspectors in Ireland were when the Board of Works were a board having charge of the salmon fisheries. The inspectors were responsible to that board, and they held the first investigation with regard to making bye-laws, or the close season, and took a faithful account of the evidence, and reported their opinion upon the subject. That all went before the board, and the board then discussed the propriety of agreeing or disagreeing with the opinion of the inspectors, and called to their aid the inspectors who made that report, if necessary.

8222. I understand you to say, that a board thus constituted might perfectly well take charge of the whole of the fishing interests of this country and its coasts, both the sea fisheries and the inland fisheries?—No doubt; that is my idea; I think that would be very useful for both countries.

8223. Is it your opinion that great advantage might result to the sea fisheries of this kingdom by judicious regulation under the control of a board of this description; have you studied that question?—Yes. I think you might do some good with regard to the sea fisheries; but it is a very vexed question whether you can or cannot. We have in Ireland those powers, and we govern the sea fisheries and make the bye-laws, rules, and regulations governing the sea fisheries and the people employed on them, particularly with regard to the oyster fisheries.

8224. Will you be kind enough to inform the Committee, whether in valuing the fisheries for the purposes of rating in Ireland, the valuation is fixed by an estimate of what they would let for, or is it a rough estimate of the value o fish that are or might be taken in that fisher I do not think that rough estimates are t and I cannot answer with regard to the w which any property is valued. There is partment in Ireland for valuing all property for the relief of the poor.

8225. But you do not know the proces which they obtain the amount?—No, not tively; but I know from the Commission Valuation, that when the owners of fish refuse to give them a proper account of the comings and the outgoings, then the Com sioner fixes on a sum himself, and assesses t at that sum; and if the owners think themse too highly assessed they have an appeal to barrister.

8226. But you do not know whether he poses a tenant willing to take and estimate price that he would be willing to pay for the o pation?—No, I do not know.

8227. With regard to trout fishing, do think that it would be practicable wit creating a great public outcry to stop all t fishing during the best month of the year; is to say, in the month of April when the fry going down?—I do not think there would be outcry about it. I do not believe you would six men in Ireland to object to it.

8228. Is not April the best month for t fishing?—No, March is the best month for t fishing.

8229. Would you interfere with the t fishermen in March?—Yes; if it was proved me that the descent of fry took place in month of March, because they have the mon of September and October for trout fishing, wh are quite as good.

8230. You think that no outburst of indig tion would follow such legislation?—I have the slightest doubt that there would not be a outburst of indignation with us. Our trout fi ing in salmon rivers is very unimportant. course, there are some purely trout rivers y would not think of stopping.

8231. It is very difficult, is it not, to institu a fair comparison between the probable value the English rivers and the Irish rivers, from t circumstance that you have no great amount pollution to contend against in your waters?- We have no pollution in our waters except fro flax steeping, and the law provides against th if we can catch a person doing it.

8232. Have you not also an additional adva tage in the natural circumstances of your rive which are full for the most part, being rivers large volume of water?—No; as far as I ha seen the rivers of England in company with th Commissioners (and I have seen every district, believe), I think the capabilities of the Englis rivers are quite equal, as a general rule, to th capabilities of the Irish rivers.

8233. Do you not think the English river are subject to greater fluctuations with regard t the rise and fall of the water?—Certainly, think not; I can see very little difference be tween the rivers of the two countries, save upo the question of pollution.

8234. Are not a large number of the Irish rivers supplied from lakes, and when once the lake gets full the river keeps up for many weeks together?—There are a great number of rivers which are supplied from lakes, but there are a great number of very valuable salmon fisheries with

th no lakes. The Boyne river is as good a lmon fishery river as any in Ireland, and there no lake which supplies it. The Foyle river is very important salmon river, of about 4,000 *l.* a ar rent for a few miles of it, and there is no e at its head; that is a river that runs off very ch in dry weather. There are also the Suir, re, Barrow, Slaney, and other important rivers the same character.

8235. May I ask you how often you make ur tours of inspection in Ireland?—There is no ecified time at all; it is according to the re- irements of a district, or as we have applica- ns from boards of conservators, or bye-laws make.

8236. Do you visit every salmon river in Ire- nd once in the course of a year?—I think not.

8237. Do you visit every salmon river once in o years?—I think it is more than that, but it very hard to say. In some districts you may six or eight, or ten times, according to the cessities of the district; whereas in other dis- icts they do not require you; they are working ell, and you do not go to them.

8238. You informed the Committee last week, at upon the occasion of a miller obstructing ou in your work upon his weir you summoned im and convicted him; under what Act of Par- ament was that done?—We did that under the shery laws, which gave us power to do certain ork, and we convict them if they obstruct us in hat work.

8239. There is a provision in that Act of Par- iament to provide against obstruction on the art of the miller or anybody else, I suppose?— es, there is a provision against any one obstruct- ng any officer, water bailiff, or any other person, who is engaged in carrying out the fishery aws.

8240. Mr. *Herbert.*] What is your experience f the working of boards of conservators with egard to the upper and lower proprietors in reland?—My experience is, that they work ery well together; so well do I think of it, and o well does it work, that I should like to see it dopted in England.

8241. Though I use the word upper and lower roprietors, that is a term of the past, is it not, ecause they now amalgamate together and gree so well?—Yes, in most districts we have orgotten all about the upper and lower people.

8242. Are suggestions at those boards for the ood of the lower proprietors, very often pro- osed by the upper proprietors, and *vice versâ*?—Yes, constantly, the upper proprietors see it is o their interest to work with the lower pro- rietors, and the lower proprietors see that it is or their interest to work with the upper pro- rietors.

8243. Do you think that the result of that line f conduct has been very much to improve the different districts in which the boards work?—There is no doubt of it; you yourself represent a district where a most important improvement as taken place with regard to the upper and ower proprietors.

8244. Have the boards of conservators in reland ever spoken to the commissioners with egard to increasing the funds of the districts?—Yes, they are very anxious to increase the funds.

8245. Have you ever planned out any scheme by which those funds could be increased?—No, except by an increased duty upon the engines used in fishing; that is the only mode that I can see of doing it; in some districts the tidal fishings will bear a greater amount of license duty than in other districts.

8246. Have you ever stated that plan or asked the opinion of the boards of conservators on that plan?—We have asked the opinion of boards of conservators with regard to angling, but I am not quite sure about the other, we may have done so though it is not on my memory at present; with regard to angling we have been most anxious to get boards of conservators to unite to increase the license to 20 shillings.

8247. With regard to trout fishing, is it not according to the present law illegal; could not you fine a boy or a man found in possession of those par?—Certainly, but the difficulty is to catch them; on the banks of the Slaney I once saw a boy with two stone weight on his back.

8248. You cannot stop them now, can you?—No, we cannot; it would be very important for the salmon fisheries if the trout fishermen were for a very short time deprived of that privilege.

8249. For how long would you say?—A couple of months.

8250. March and April?—Yes, March and April; in some rivers they are earlier than in others.

8251. Do you think that practically you could carry that out?—I have not the slightest doubt about it; if we make a law to prohibit fishing during a certain time it would be carried out, the police would carry it out and the water bailiffs would carry it out; the constabulary render us most important assistance in Ireland with regard to carrying out the fishery laws. I have no fear about being able to carry out any law passed on the subject.

8252. At the present time the constabulary are not allowed to take any emoluments or fines for catching men poaching, I believe?—In some places they are, it is all subject to the approval of the inspector general.

8253. Would it not be very advisable that boards of conservators should be able to reward those police?—They have power now to reward them, subject to the approval of the inspector general. We have recommended in most cases that where boards of conservators receive the portion of the fine which they are entitled to (that is to say two-thirds), instead of receiving it, they should pay it over to the constables who prosecute; I recommended your own board to do that the last time I had the pleasure of meeting them.

8254. Do the Coastguard give you very efficient help?—In some cases they do, and in other cases they do not; but I am aware that the heads of the Coastguard department have issued very stringent rules upon that subject, and they have spoken to us to know in what way they could give us further aid. We have never been refused assistance by the Admiralty.

8255. They could give you most material aid in the lower waters, could they not?—Yes, they could give us most material aid, but the last two years they are rather tenacious about acting very energetically in the matter; they do not like to be away from their stations, and there are other reasons beside.

8256. Mr. *Knight.*] With regard to the condition of the salmon when they leave the sea, are all fresh run fish in good condition at all times of the year?—Certainly.

Mr. *Brady*.

31 May 1870.

8257. Take a female salmon that leaves the sea in August, and a female salmon that leaves the sea in November or December, are they both in the same condition?—One is nearer to spawning; but with regard to food it is as good as the winter fish.

8258. But when they are nearly spawning, are they as good?—Take a fresh-run fish from the sea; you will get a fish running in from the sea almost ready to spawn, at all events heavy, that is quite as good for food as a fish that has gone into the river in July perfectly free from spawn. I need not tell you that if we carry on the killing of those fish as long as we find them good, we destroy our mother fish and injure the whole of our fisheries.

8259. But you think that the fresh-run fish is as good as the summer fish?—Quite.

8260. On the second return they do not visit the upper waters at all when they return from the sea, do they?—They return from the sea as grilse, and go to the upper waters.

8261. But they visit the lower waters again, do they not, when they do not come up to spawn?—They are all on their way.

8262. But do they never come to the upper waters except to spawn?—Yes; we have barren fish in the upper waters, that is to say, fish that never spawn.

8263. The Committee have had a witness before them, who stated that the proprietors of the upper waters obtained no advantage from the fishing whatever, unless they were allowed to catch some of the young fish; he said that except in the close time, the fish never went up there at all; do you concur with that evidence?—I suppose he meant that the fish did not go up at the season when it would be lawful for them to catch them; but unless they are obstructed in some way, the fish will go up to the uppermost parts of the river; I was on one of our best spawning rivers the other day, in the county of Mayo; the proprietors along the banks of that river never reap any advantages, and they do not want it; they say it is the finest breeding river in that part of the country; it supplies plenty of fish for the people outside in the bay to capture.

8264. The upper proprietors get no advantage, you say?—Just so, because they come in so very late.

8265. You think it would not be proper to give them some advantage in rod and line?—Certainly not; the proprietors do not want it, for they indirectly reap an advantage, because of the people outside taking the fish when they are in good condition.

8266. Mr. *Lowther*.] With regard to water bailiffs, is it the custom in Ireland to have game covers near the rivers?—It is not a general custom.

8267. But the water bailiff would have the power to go into those covers if he pleased, I suppose?—Yes, he has power to traverse the banks of salmon rivers in Ireland; but, if he did any act which would be unpleasant to the feelings of any gentleman, the board of conservators would not continue him in their employment any longer.

8268. But, at present, if there were game covers by the banks of the rivers, the water bailiff would have the power of going there, would he not?—Yes, under the law, certainly he would.

8269. I think you said you would forbid fishing within 200 yards of a mill dam?—I would rather forbid fishing within 100 yards; the law in Ireland is 200 yards, unless the proprietor has exercised the right 20 years before the passing of the Act of Parliament in the year 1850, and that was amended by a law passed in the year 1863 that even in that case the proprietor shall not have the power to fish within 50 yards, unless he has built such a pass that will enable the salmon to pass at all times.

8270. Do you consider that to be equally necessary for the part above the dam?—No, not equally necessary; when once the salmon are over the obstruction it is not so very important.

8271. But still you would forbid fishing within 100 yards above the dam?—Yes, I would have it as it is in Ireland; but it is not a very important matter.

8272. You said, I think, that you would forbid fixed engines within a mile of the mouth of any river?—Yes, except by a proprietor of a several fishery; the proprietor of a several fishery in Ireland within a mile of the mouth of the river can put up a fixed engine.

8273. In answer to Question 7905, the other day, you said, "Out of courtesy to the miller we always send him a copy of the plan in the first instance. Then we consider if he has any legitimate objection, or if he says that it will injure his water power, we consider those things with our engineer, and we make such modifications in the plan as may suit his views; but if they are frivolous objections, we enforce the law and make the pass." Then you were asked, "If the objection be a valid one, you entertain it?" and you replied, "Certainly." Who decides if it be a valid objection or not, the engineer?—We are the governing body, and we decide; I may state that no miller in Ireland has ever complained of not receiving fair play with his objections, although we might have been obliged to enforce the plan afterwards.

8274. With regard to the wrongly-called Forsyth plan, which you have stated has been such a failure in this country; why is it a failure, and where is the mistake?—It is the Deanston plan, and not the Forsyth plan. Mr. Forsyth designed one and his name was put to a lithograph plan issued by the Board of Works in Ireland. He was their consulting engineer; he is one of the ablest engineers, perhaps, of the present day. He designed this plan which has been so successful in Ireland, but when they came to apply it in England they either made it too narrow, or they put it on such an incline that no fish could come up it, or they placed it too far off, and put it as a ladder against the dam, and the fish could not find it, or they had no water to go up by, when the water was flowing over the dam and down the ladder, the fish could not find the mouth of the pass; that is one of the reasons of the failure in England.

8275. I think you have already given your opinion, with regard to the Dinsdale, case to the Committee?—I stated certain facts connected with the Dinsdale case; but I offered no opinion upon it, I think.

8276. Do you believe that there can be one form of fish pass which can be used on every river?—Yes, I have no doubt about it; it has been done in Ireland. Of course you may improve it a little, and put up some little thing that will assist the fish over the dam; but the proper thing is to do it systematically under the superintendence

endence of an engineer. You may spend a le more money at first; but the proprietor l everybody else would be better pleased at t.

8277. Mr. *S. Hill.*] As to rewards to constables, re you speaking of the ordinary proceedings constables under the Acts of Parliament?—s.

8278. Is the taking of those proceedings part their duty?—Yes, a very important part of eir duty.

8279. Are they paid regular wages?—Yes.

8280. Then why should they have additional wards?—It is a very irksome business, and the en can always shut their eyes about what is oing on around them.

8281. Are they not sufficiently paid, do you ink?—Yes; but if the man is walking along e road at night he need not see the poachers on e river.

8282. And he need not see a man committing murder?—Very true; but he may undergo reat risk in getting at men of that kind, and hen they act energetically it is a great induce-nent to them to give them a little reward for heir trouble.

8283. But there is nothing in that which is in ny great degree different from their ordinary luties, is there?—It is more irksome and much harder to carry out, but I merely alluded to it in consequence of the honourable Member for Kerry mentioning it. It is governed by the head of the police altogether; he has power to award rewards to the constables in the discharge of their duty. The boards of conservators are entitled to two-thirds of the penalty, and the prosecutor is entitled to one-third. The constable who brought that prosecution would at law be entitled to one-third, but the inspector of constabulary says that the constable must not receive any money except with his consent.

8284. You have said that a fish full of spawn was as good for food as a fish not so far advanced in pregnancy?—That must be understood with a qualification. I was asked whether a spring-run fish fresh from the sea with spawn was as good as a fish that ran in January without spawn, and I said yes.

8285. Looking at the fish from an anatomical point of view, as the weight of the spawn increases the fat decreases, does it not?—Yes.

8286. So that it is less good for food, is it not?—It is perfectly good for food, as good as any fish that you wish to eat; but it must be understood that I do not advise the killing of spawning fish, but quite the contrary. We must stop that at the proper time. If we fish up to the latter end of August, then in the month of August we kill those heavy fish.

8287. Mr. *Knight.*] If the fishing time were extended through November, the November fish would not be as good as the September fish, would it?—Certainly not. The fish are getting so heavy then, and they are almost on the eve of spawning, and, independently of the quality of the fish, it would be most destructive to the fisheries to let them be caught then; we feel that in Ireland, and we are now closing in September.

8288. If there were any proposal made to open the rivers through November, you think it would be destructive to the fish, do you not?—I think it would be injurious to the fish.

8289. I suppose you do not think that the fish killed in those months, would be as good for eating as those killed earlier?—They are then getting heavier in spawn. The great spawners are the fish running up in September and October; they make the best spawners, the strongest spawners, and the earliest spawners.

8290. They are not, in fact, so good when they leave the sea late, as the fish that leave the sea earlier, are they?—Taking it as an article of food, fish of that description would, perhaps, be quite as good; but I think they ought not to be killed, they are too valuable to the river.

8291. Mr. *Hambro.*] You made a statement in natural history which is new to me, that there were found in most rivers fish that you call barren fish?—Yes.

8292. Do you mean fish that have not come up to spawn, or well mended fish?—No, not mended fish; I meant fish that never spawned, and probably will never spawn; barren fish in which no spawn or milt is found; in Lough Neagh, you frequently find that.

8293. You have opened those fish, I suppose?—No, I have not; but people will point them out to you as barren fish.

8294. You think there really are such fish?—Yes, but I think it is rare; I believe that is positively the fact.

8295. In your instructions to the Irish water bailiffs I see one clause prevents the use of a gaff "except when the latter implement may be used solely as auxiliary to angling with rod and line;" would you recommend the prohibition of the gaff, altogether?—I should. But there are some cases in heavy waters where it would be very difficult to land fish without the use of a gaff. In the early part of the year I would like to compel anglers to use a landing net.

8296. Would you like landing a 40 lbs. fish without a gaff?—In some heavy waters it would be difficult.

8297. Otter fishing you have an objection to, I see?—It is forbidden in Ireland, but I think cross fishing is as bad as otter fishing.

8298. Do you consider 50 yards below a mill dam a sufficient distance to allow no netting, if there is a proper fish pass?—I should rather say 100 yards; that 50 yards I copied from the Act of Parliament.

8299. With regard to the size of the mesh of the net, I see that the mesh of a net must not be less than $1\frac{3}{4}$ inch from knot to knot; do you think that is enough?—In some cases that is a great deal too much; in some cases we reduce it to an inch and a quarter from knot to knot; we do that under the same powers.

8300. What is the advantage of having a net so small as that?—You catch a great quantity of trout by it, and you catch no smaller salmon by that net than by an inch and three-quarter net; it is perfectly well understood what effect the mesh of the net has; a man who wishes to work a net will never make it too small, if he can avoid it. His great object is to work it as quickly as he can. It is only in the bosom of the net that any man can use a small mesh; that small mesh will not kill smaller salmon than a two inch mesh.

8301. *Chairman.*] What size of mesh of net do you advise?—An inch and three-quarters from knot to knot as a rule; at the same time the governing body ought to have the power of reducing it or increasing it, if necessary.

8302. Did I understand you to say that you would make the standard size of the mesh an inch and

Mr. *Brady.*
31 May 1870.

and three-quarters instead of two inches?—It is the standard in Ireland; it is perfectly immaterial whether it is an inch and three-quarters or two inches, for all practical purposes.

8303. Mr. *Hambro.*] Are there in Ireland many proprietors of several fisheries, who have the whole of the fishery of the river as well as its tributaries?—No; I know of only one case in Ireland.

8304. You say, at page 17 of your book, that it is "not lawful for any person save and except the proprietor of a several fishery in the whole of a river and its tributaries," and so on?—There is only one case that I know of, and that is the Bush river.

8305. I ask because I am only acquainted with one, and that is the Kerry Blackwater, which all belongs to one gentleman?—I am not sure whether he owns the tributaries or not; there is one other besides that, I remember, but there are not many.

8306. Colonel *Amcotts.*] I think you said in your evidence last Friday, that sometimes the interest of the fisheries must give way, and sometimes the interest of the millers must give way?—Yes.

8307. How are you to form an estimate of the comparative value of the milling and the fishery interests?—By a regular course of judicial inquiry.

8308. By whom?—By the governing body, who are to have the power to say if the compulsory purchase of a dam is to be allowed. If a proprietor wants to get rid of a mill-dam as being an eye-sore, or from caprice, perhaps, or for some other reason, he ought before he applies under the Lands Clauses Consolidation Act, to obtain the consent of the governing body to do that; the commissioners or the governing body would then find out the value of the mill and premises, and what the fisheries and the mill would be likely to be worth.

8309. *Chairman.*] Do I understand you to mean by the governing body, a body like the board of conservators?—Certainly not. I speak of the board that I suggest. If it was a valuable mill, and the fisheries of the river never could be made anything equal to the value of the mill, nobody should have the right to take that mill away. The board would say, "No, the fisheries in this river are very trifling in value, and we will not allow the purchase of this mill."

8310. You do not think that there would be any difficulty in estimating the value of a fishery?—No; any practical man could tell the capabilities of a river, on an inquiry into all the circumstances; it would not be difficult.

8311. You think there would be certain data to go by?—Yes; I see no difficulty whatever about it.

8312. Mr. *Whitwell.*] In your previous examination no information was given to the Committee on the subject of water bailiffs, may I ask if they are in any respect attached to the constabulary?—No, they are not; the water bailiffs are either water bailiffs under boards of conservators, or the proprietors of fisheries may appoint water bailiffs.

8313. What constitutes the appointment of a water bailiff; is he sworn into his office?—No; but he must hold a warrant.

8314. Do the constabulary in any cases assist in the preservation of the fish?—Yes, very much; they render us very valuable assistance in the preservation of the fisheries.

8315. Now, in one of your answers the other day, you stated that the inspectors authorised the erection of a fish pass; do the inspectors conduct the erection of a pass, or do the board conduct the erection of a pass?—The board of conservators have nothing whatever to do with it. The passes are erected in the way I have explained to the Committee.

8316. Then, in answer to a question put to you this morning, you stated that on all mill-dams raised within the last 20 years, the mill-owner ought to erect passes, but in answer to Question 7901, at your last examination, you took it as far back as the year 1842, did you not?—It is so in Ireland according to the legislation, but in England it might be fixed at, say 20 years; that is to say, if a man has put put up an obstruction in the river within the last 20 years, or has increased that obstruction within the last 20 years to the injury of the fisheries.

8317. *Chairman.*] You would make *ex post facto* legislation applicable to that case?—Just so.

8318. Mr. *Whitwell.*] In that respect you would not make the laws of the two countries identical then?—They would be nearly so, except with regard to the date; the principle of the legislation is identical.

8319. Then, with regard to investigating the legality of certain instruments which has been undertaken by the Commissioners in England, how is that settled in Ireland?—Exactly in the same way as the Commissioners in England have done.

8320. Was there a separate board of commissioners appointed for that purpose?—A Special Commission was appointed for that purpose in the year 1863.

8321. How long did that Commission last?—Until the year 1868.

8322. It then expired, did it?—Yes, it was put an end to by the Government.

8323. I suppose that none of the present inspectors were members of that Commission?—No. I was secretary to that Commission.

8324. Then, with regard to mill-dams, did that Commission inquire into the legality of any mill-dams?—They did not, except in one case. We inquired into an allegation which was made, to the effect that a miller had raised a dam and the Commissioners found he had not.

8325. But they never investigated a man's title to a dam, I suppose?—No, they had no power to do so.

8326. With regard to gratings, you have stated that by the 5 & 6 Vict. gratings were allowed to be put on all entrances into watercourses and canals; now practically was that universally adopted?—The milling interest was specially exempted.

8327. But was that practice adopted with regard to all other watercourses?—I think it was in all cases.

8328. But since the exemptions were withdrawn from the mills have you had a great many millowners applying to be specially exempted?—Yes, and I have no doubt that we shall satisfy everybody in the long run.

8329. You have found that a large proportion of the millowners apply to be exempted, have you not?—Yes, a large portion decidedly.

8330. You say that you have obviated some difficulty in erecting those gratings by widening the entrance and exit?—Yes, we could obviate some of the difficulties by that means.

8331. Will not that lower the height of the ter?—No, certainly not; it merely gives the ne amount of water going through that origin- y run through.

8332. But if the water runs through a six-feet rse, and you carry it through a 12-feet course, ring the time that it is running through the -feet course will not the water be lowered?— , I should be obstructing the same amount of terway.

8333. If there is no obstruction or grating will t the water be practically lowered as it passes rough the grating in the 12-feet course?—It uld depend on the supply; if you widen the trance to 12-feet and you have but six feet of ll lead down to the mill, you increase the level cause the force of the water is so much onger.

8334. You lower the level as it passes through e 12 feet, but it rises again at the six feet?— es.

8335. Have you any form of license which u give to any person, to permit that person to ep a fixed engine?—Yes, we have a form of rtificate.

8336. Mr. *Assheton.*] You showed the Com- ittee the other day the model of a pass at Port- w?—Yes.

8337. You said that that was a satisfactory ass, did you not?—Yes.

8338. And you also pointed out to the Com- ittee that there were two dark passages in that sh pass?—Yes.

8339. Do you consider that those dark passages re any detriment to the pass?—None whatever; have seen the salmon in that pass like a flock f sheep when I turned them out.

8340. Do you know of any other passes with ark passages in them?—I cannot recollect any t this moment, but there may be.

8341. You have not the least uneasiness about ?—None whatever; there is no objection to ose dark passages.

8342. Did you ever see any considerable umber of fish congregate at the foot of that ass?—Yes, when the water was not running, nd the mill was at work; that ladder only works hen the mill is not at work; when the mill is ot at work you will see them congregate in the eason; the sluice is taken out at night, and the sh pass works all night, and the fish go up.

8343. Do you suppose that if that river had een in a state of nature those fish would have topped there?—No, I think not; if the river ad been in a state of nature the fish would then ave passed on to the spawning ground.

8344. My reason for asking you that question , that a former witness stated to the Committee, at at the foot of a certain dam there was an ccumulation of fish, and he attributed that ac- umulation of fish to a want of desire on the part f the fish to run, and not to any obstruction aused by the dam; is that so?—He may be erfectly correct, it would depend very much on ircumstances; I will mention one of the best sh passes in Ireland; you will see the fish lying here sometimes so thick that you could easily ake them out with your hand when there is lenty of water in the ladder, and if you come e next morning you will find that they are all one.

8345. Without any fresh water having gone nto the ladder, do you mean?—With precisely e same quantity of water in the ladder; they are lying at the foot of it, and nosing the fresh water. You will see perhaps 50,000 salmon in the space of 300 yards in that Galway fishery one day, and they will all be gone the next day.

8346. You can only account for that through the caprice of the fish?—It is very hard to account for it.

8347. There was no extra fresh in the river I suppose in that case which you have mentioned?—None whatever; it is one of those things that a great many have written about, but no one can account for, though there are a great many theories.

8348. You know that there is another theory about the running of the fish; some authorities tell us that salmon (I speak of salmon proper) require more or less of a fresh to run in, whereas the smaller kind of salmonidæ will run without a fresh, is that your opinion?—I can hardly think so; the smaller salmon run at a time of the year when really there is not much water in the river, and the larger salmon always come in flood time.

8349. By large salmon I mean salmon proper, and by small salmon I mean sea trout, and bull trout, and various other small kinds of salmonidæ?—Bull trout we do all we can to exterminate in salmon rivers; the bull trout and salmon will not live together.

8350. But I wish to ascertain from you whether the bull trout and the sea trout run, when there is no fresh, and whether salmon proper only run when there is a fresh?—No, it is not so. I can give you instances where you will get salmon and sea trout running together at the very same time.

8351. I believe the ordinary rule of salmon running up a river is this, that the salmon do not run up unless there is more or less of a fresh in the river, is that so?—Yes; but in some seasons they will go when there is hardly a drop of water; nature drives them.

8352. But in ordinary cases the salmon do not run up unless there is more or less of a fresh in the river, I believe?—It is an encouragement to bring the fish in from the salt water.

8353. Many people hold that the smaller kind of salmonidæ will run when there is not a fresh, as a general rule; do you hold that to be true?—I really do not know.

8354. It is not a point to which you have given your attention, I suppose?—No, it is not a point to which I have given any attention. We know that the salmon-trout that you speak of spawn earlier than the salmon proper, and that they have all done spawning when the salmon come upon the beds. That may give rise to the theory that they do go up earlier, and that the salmon proper do not go up then until the autumn floods come.

8355. You showed the Committee a model of a self-acting valve?—Yes.

8356. Now, without expressing any opinion with regard to that valve, I will ask you would you prefer to have the water let into a salmon pass by a self-acting valve, or by a sluice to be moved by hand?—I think that the miller should determine that himself; if the miller thought that it was a great deal of trouble to have this handwork, he might adopt a self-acting valve if he wished it, but I would never press upon the miller to adopt a self-acting valve; it is all a matter of convenience to the miller; I should not advise any self-acting valve in preference to an apparatus that I had complete control over.

8357. I suppose you think that with an honest

Mr. *Brady.*

31 May 1870.

miller you had better have a hand-sluice?—Whether he is honest or dishonest is immaterial, because I would say to the miller, "There is this fish pass, at certain seasons of the year when water is passing over the dam, if the board is shut down, and that pass is shut up, you are liable to a penalty; if the water falls to the apex of that weir, you may shut your pass; do it as you please, either by a self-acting valve, or a hand-sluice; but when once a pass is built and approved, you shall be compelled to shut and open the sluice."

8358. That is the Irish law, is it?—Yes; it is perfectly immaterial whether the miller is honest or not; when a mill has been situated as that mill is at Portlaw, and you bring the fish up into the mill, of course, it is very important to watch. The miller might be a very important protector to the fish.

8359. But you explained to the Committee the other day that the taking of the fish actually through the mill was not part of the plan?—No, it was merely incidental. The model which I produced was merely to show what may be done; you might take it round the mill just as well as through the mill.

8360. You have spoken about catching trout in an inch and a quarter net; I suppose you meant sea trout?—Both sea and river trout; a large mesh lets go a very large quantity of sea trout, and they are not caught by anglers either; and, therefore, they are lost as food to the country. If they were caught by anglers in large proportion, I would not reduce the size of the mesh of the net. That is one of the things that the governing body would exercise proper jurisdiction over by saying, "No, we will not allow these white trout to be captured, because they are valuable for angling;" but, in districts where they are not so it is a pity to let so much food be lost.

8361. I suppose you are perfectly aware that a uniform size of mesh of two inches in England acts in that way, and prevents a good deal of valuable food being caught?—No doubt it does. We have altered it in three or four districts in Ireland, and now we are making a bye-law altering it in the Ballina district.

8362. Did I understand you the other day to say, that there are a great variety of fishing seasons in Ireland?—Yes, a great variety of seasons in which salmon are to be found in proper condition; that is to say, in some rivers you commence fishing in January, and in other rivers you do not commence fishing until June. But in rivers where you commence fishing early, such as in January, we stop very early, probably on the 1st of July; whereas, in rivers that we commence fishing late, we go on to the latter end of August, or it may be, as in one or two cases, go on to the 15th of September, but going into September at all events. The general feeling of the country is that we ought not to go into September any longer.

8363. Your close times in Ireland vary then, do they?—Yes. There is a schedule to my book which shows the close time in every district in Ireland. The close seasons vary from the 1st of January to May; in some places fishing is prevented until the 1st of May; in other places they may fish on the 1st of January. In a river where they commence to fish on the 1st of May, they may go on probably to the 20th or 31st of August; whereas in a river where they commence on the 1st of January, they may go on to the 1st of July. We always reserve 168 da for the close season.

8364. I have heard it objected to the syste of varying the yearly close time, that in cas such as you have given of two rivers in one which the close time ends on the 31st of Augu and the other on the 1st of July, there is temptation for people to poach in the Ju river, say, during July and August, and sell t fish as if they had caught them legally in what may call the August river; how do you preve that?—You must watch it, but a person who h the spring fish of the river will not allow fishi late; he has a great interest to maintain th fishery, because it is so valuable in Januar and therefore he would be the first man to prever fishing late.

8365. I am not supposing dishonesty on th part of the people who have the right of fishing I suppose pure poaching?—Pure poaching wi go on even after August, but pure poaching ca only catch very few fish indeed, still it is difficu to prevent it; but speaking of large commerci fisheries from which tons of fish come out, tha is where it would be very injurious to fish afte the 1st of July, that is to say in a river that ha opened on the 1st of January, because it is a early river and all the spawning is early.

8366. Do you think that the advantage gaine by having different close times in different river is greater than the disadvantage that the extr encouragement to poaching would entail?—It i not any encouragement to poaching; betwee July and August there are no temptations t poaching; the fish are not worth much in thos months; there is a temptation to poach in Sep tember, October, and November; but there is n temptation to poach a river which is closed o the 1st of July, more than there is in a river tha is opened on the 1st of August; the proprieto of the fishery will not, for his own sake, do it and the poacher can kill fish in the month o August in a river that is open as well as he ca in a river that is closed up.

8367. But if fish may be legally caught in one river up to the 31st of August, it gives a man who illegally takes fish in another river previously to that, a very much better opportunity of selling the fish than if the whole of the rivers had been closed on the 1st of July, does it not?—Yes, quite so; but, suppose he does it in a closed river, he does not do much harm to the fisheries of the river by killing those few fish; but you do a great deal of harm by killing them in tons. You have all the advantage of obtaining your spring fish when it is very valuable to the proprietor as well as the public, at the early part of the year when it is high in price and in great demand, and it is the very best fish. In fact, I look upon it in this way, that making a general stringent law that you cannot fish within certain dates, is as much as to say that, "You cannot reap your corn when it is ripe." Parliament might just as well say that as to say that some of the most valuable fisheries, which are the early spring fisheries in Ireland, must not be fished. We had that law under 5 & 6 Vict., and some men were absolutely ruined under it, who were proprietors of fisheries.

8368. You say that you think it would be desirable to stop trout fishing in March and April, in order to prevent the capture of salmon fry?—Yes.

8369. Now, in a river which I fished in I used to

tch a great amount of salmon fry in July or ust; would you propose stopping trout fishing uly and August?—No; when the fry are g down or migrating, they will take any- ; they are not so greedy in their first year he river; you can take them with three or pins on a line when they are migrating.

370. You think that we may disregard the in July and August?—I would not carry hing to an extreme; but it is not carrying a g to an extreme to forbid trout fishing during migration of the fry, which will only last a weeks.

371. Mr. *Hambro.*] Would not taking out a nse for trout fishing prevent little boys de- ying the fish?—It might check the evil; but ou canvassed the whole of Ireland you would far more objections to having a license upon t fishing than to a law forbidding fishing ing the descent of the fry. But I think that rods should be licensed.

372. Mr. *Assheton.*] Do you put the water liffs into uniform?—Never.

373. Would it be desirable to do so, do you nk?—That is a matter for the board of con- vators, or the gentlemen interested in the nery to determine.

374. Mr. *S. Hill.*] As to eel baskets, I that under one clause of the Act fixed en- nes for eels are not to be set between the 10th January and the 1st of July; why is that?— ney are not allowed to fix those baskets between nrise and sunset at any time of the year, and en they are not to be set between the 10th of nuary and the 1st of July at all, at any time.

8375. Do not eels always travel by night?— es, they always travel by night.

8376. Then why are you told not to set those baskets in the daytime?—First of all, because the eels would not be travelling; and then it is at a time of the year when a very great destruction of the spent fish might occur.

8377. It is on account of the salmon that that restriction is made, is it?—Yes.

8378. And not on account of the eels?—No. The eel fisheries are very valuable.

8379. *Chairman.*] The Committee have heard from a previous witness that eel fishing at that time of the year is of comparatively little value; is that your opinion?—Yes, in the summer time it is of very little value. All the eel fishing in most rivers is in the winter time.

8380. The rule protects salmon fishing to some extent, without injuring the proprietors of the eel fisheries?—Certainly.

8381. Is there any other point that you wish to refer to?—One thing in my opinion would be very good, to prohibit netting in fresh water rivers, unless that right has been exercised up to this time. Suppose a riparian owner has, at this moment, a perfect right to net his water, and he has not done so up to the present moment, you commence to improve his river, and you bring him fish that he has not got now; it would be better to restrain him from netting the water, and leave it to the anglers.

8382. If he has not netted the water hitherto, you would forbid him doing it in future?—I think so, as angling property it would make it very valuable to him.

8383. You would not prohibit it under all circumstances in non-tidal waters, I suppose?—No; I think you could hardly deprive a man of a right which he has exercised, and which he is now exercising.

LIST OF APPENDIX.

Appendix, No. 1.

Paper handed in by Mr. W. Cuthbert, 1 April 1870: PAGE.

Opinion of Mr. Henry Matthews, Q.C., M.P. - - - - - - - - - - - 297

Tyne Salmon Conservancy.—Amendments proposed by the Board at their Meeting, held on the 15th June 1869, in the "Bill to Amend the Laws relating to Salmon Fisheries in England" - - - - - - - - - - - - - 298

Appendix, No. 2.

Paper handed in by Mr. Willis-Bund, 8 April 1870:

Severn Fishery District.—Return of the Number of Cases heard before the Special Commissioners for English Fisheries, and their Decisions thereon - - - - - 299

Appendix, No. 3.

Paper handed in by Captain Whyte, 8 April 1870:

Taw and Torridge Estuary:

A Summary of the Number of Boats employed, how many Nights' Fishing, the Quantity of Fish Caught, and the Value of the same for every Month, beginning the 3rd September 1866, and ending 5th January 1867; Four Men in each Boat 300

A Summary, as above, for every Month, beginning the 1st October 1867, and ending the 10th January 1868 - - - - - - - - - - - 300

A Summary, as above, for every Month, beginning 1st September 1868, and ending the 15th January 1869 - - - - - - - - - - - 300

Appendix, No. 4.

Paper handed in by Mr. Richard Cail, 10 May 1870:

Report on Fish Pass.—Dinsdale Dam, River Tees - - - - - - - - 301

Appendix, No. 5.

Memorial presented to the Treasury by the Rev. S. F. Surtees - - - - - - 302

Appendix, No. 6.

Papers handed in by Mr. T. F. Brady, 31 May 1870:

Elections of Conservators of Fisheries, 1870 - - - - - - - - - - 304

Salmon Fisheries, Ireland.—Form of Order Altering Boundaries of a District, &c. - 305

Appendix, No. 7.

Paper handed in by Mr. James Paterson, at request of the Committee, 31 May 1870:

Letter to Joseph Dodds, Esq., M.P., Chairman of the Select Committee on Salmon Fishery Laws - - - - - - - - - - - - - - - - 306

Appendix, No. 8.

Summary of Recommendations made by Mr. Thomas Francis Brady, 31 May 1870 - 309

Appendix, No. 9.

Papers handed in by Mr. Paterson:

Correspondence between the Special Commissioners of English Fisheries and the Treasury, &c. - - - - - - - - - - - - - - - - 311

Appendix, No. 10.

Paper handed in by Mr. T. F. Brady:

Diagrams illustrating the General Principle of Construction for Fish Guards, as required on the several Watercourses connected with Milling Premises on Salmon Streams in Ireland, by the Act 5 & 6 Vict. c. 106 - - - - - - - 316

APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *W. Cuthbert*, 1 April 1870.

OPINION of Mr. *Henry Matthews*, Q.C., M.P. Appendix, No. 1.

1. I AM of opinion that the license produced by Hardy and Walker is insufficient to protect them from liability to penalties under 28 & 29 Vict. c. 121, s. 36, and is not a proper license for a "hang net." In giving this opinion, I assume that the term "draft net" (used in that license) has by common use and understanding a meaning different from the term "hang net," and that the two terms, as suggested in the case, are commonly understood to mean different kinds of engines for catching fish. I also think that, independently of the distinction between draft nets and hang nets, the license produced would not protect Hardy and Walker, unless they were fishing as servants of Thomas Appleby, and for his use. They might be proceeded against (if they were fishing within the district) jointly or severally, at the option of the complainants.

2. If the license to Appleby covered a "hang net," I think it would protect the three nets that Hardy and Walker were using. For I collect that the term "hang net" is not by common use and understanding limited to a net of any particular dimensions. A single net, equal in length to the three Hardy and Walker were using, and similar in construction and mode of use, would (as I collect) be properly called a "hang net," and the license imposes no limit on the length or size of the net, but only on its kind. I think the three nets used on the occasion in question were practically, although imperfectly, made into one net of the triple length.

3. The licenses issued by the Board must, like other documents, be interpreted according to the common use and understanding of the terms contained in them. The Legislature has not defined "covacle nets," or "cruives," or "puts," any more than "hang nets" or "draft nets." The meaning of all those terms in a license is that which is determined by the common and general use of persons acquainted with the district, and with the business of salmon fishing. This meaning is a question of fact, to be ascertained if necessary by evidence; and a license to use one sort of net would not be held to license the use of another net, which would not (by persons conversant with the subject) be called by the name used in the license. I understand that, as a matter of fact, common usage does not define the *dimensions* of a "hang net" or a "draft net." If so, a license for a "draft net" would cover a "draft net" of any size; but it would not cover a net different in its structure and mode of use, and which in common acceptation is called, not a draft net, but by a different name. I do not think that the Legislature can be taken to have prohibited nets which kill salmon, or licenses applicable to such nets. But that difference in the *modus operandi* of a "hang net" and of a "draft net" is one which gives force to the distinction between the *meanings* of the two terms, and shows it to be a substantial distinction. There might occur a case of a net so constructed that skilled persons would be in doubt whether to call it a "draft net" or not, and in such a case it would be prudent to consider the net protected by a license for a draft net. But, as I collect from the case, the net used by Hardy and Walker is one which persons conversant with the subject would not call a "draft net," and therefore it is not protected by the license.

4. I think the Board can be compelled to issue licenses for the use of hang nets within the district. This is the result of 28 & 29 Vict. c. 121, s. 34, and Schedule.

5. I think the seashore between Souter Point and Crag Point is within the jurisdiction of the Board, and is covered by the word "coast" in the Secretary of State's certificate.

6. This is a question of fact depending on the certificate and the map annexed thereto. There are no words in the certificate to include the "sea" between the points indicated, which I assume to be beyond the "Estuary of the River Tyne." The expression "River Tyne" in the certificate does not (under 28 & 29 Vict. c. 121, ss. 3 and 5) include any part of the sea, unless the Secretary of State so expressly declares by his certificate. He has not done so in this instance, unless the map (which is not before me) includes the "sea" within the limits of the district. The place where Hardy and Walker were fishing appears, therefore, to have been outside the district of the Board.

5, Paper Buildings, 18 May 1869. *Henry Matthews.*

Appendix, No. 1.

TYNE SALMON CONSERVANCY.

AMENDMENTS proposed by the Board at their Meeting, held on the 15th June 1869, in the Bill "to Amend the Laws relating to Salmon Fisheries in England."

N.B.—The Amendments are Printed in *Italics*.

Sec. 8. The conservators of any district may *at any time* place a grating across the tail race of any mill, provided that such grating do not *injuriously affect the supply of water to any* mill wheel; and they may also *at any time* place a grating across any artificial channel *leading from or to any salmon river in such district*, for whatever purpose *such channel* may be used, provided that *such grating* do not *injuriously affect* the supply of water to any mill. Any gratings placed in pursuance of this section may be removed, *by or with the consent of the conservators of the district*, after the 1st June in each year; but this section shall not affect the provisions of the 13th section of the Salmon Fishery Act, 1861.

Sec. 15. It shall be lawful for any person having the right of fishing in such river, and also for any gamekeeper, *gamewatcher*, or servant of such person, and *also for any conservator*, water bailiff, or officer of the conservators, *and also for any constable*, together with any assistants, to seize, &c.

Sec. 17. *There shall be repealed so much of the 33rd section of "The Salmon Fishery Act*, 1865," *as provides that "the produce of such licenses shall be applied in defraying the expenses of carrying into effect in such district the Salmon Fishery Acts*, 1861 *and* 1865;" *and in place thereof, be it enacted that* the conservators of a district may expend *and apply* any monies in their hands arising from licenses, *or from any rate which may be assessed and levied by virtue of any regulations made in pursuance of the power given in that behalf by this Act*, in any manner they may think most conducive to the protection, improvement, and regulation of the salmon fisheries within their districts, *and the increase of salmon in the salmon rivers in their districts, and particularly in the purchase of any messuages, mills, lands, tenements, and hereditaments of any tenure, from any person or persons, with power for the conservators of a district to retain the premises so purchased, or to sell any part thereof, as they may think most conducive to the protection, improvement, and regulation of the salmon fisheries within their districts.*

See 28 & 29 Vict. c. 121, sec. 27, cl. 5.

Sec. 20, cl. 1. For determining the length, *depth*, *form*, and description of the nets to be used in fishing for salmon *throughout the whole or any portion of such district*, during the whole or any portion of the fishing season, *and for determining the size of the meshes of such nets.*

Sec. 20, cl. 2. For determining *the times and places*, and manner of using nets for catching salmon throughout the whole or any portion of such district.

Sec. 2, cl. 6. For improving, protecting, and regulating the salmon *fisheries, &c.*

Sec. 20, cl. 3 (a). *For raising from time to time, annually or oftener, and either prospectively or retrospectively, as and when the conservators of any district think fit, by means of a rate, to be made, assessed, and levied upon the occupiers of all rights of fishing for salmon within their districts, according to the annual value thereof, such a sum of money as, in addition to the money received or to be received for licenses, may be requisite and sufficient to pay the expenses incurred or to be incurred by the conservators of any district in the performance of any duty, or in the exercise of any power or discretion imposed on or reposed in such conservators by the Salmon Fishery Acts*, 1861, 1865, *and* 1869, *or any of them, or by any regulations in pursuance of any of them: Provided that such rate, or the aggregate of such rates, if more than one, shall not exceed in any year the sum of four shillings in the pound on the annual value.*

Sec. 20, cl. 7. *For imposing penalties, by way of fines and forfeitures, or either of them, for offences against any regulations made in pursuance of the power given in that behalf by this Act, not exceeding, in respect of any offence, 5 l., so that all regulations be so framed as to allow of part of the maximum penalty being inflicted.*

Sec. 21. *Penalties under this Act, or under the regulations made in pursuance of the power given in that behalf by this Act, shall be recoverable and applicable as penalties under "the Salmon Fishery Acts*, 1861 *and* 1865," *are recoverable and applicable; and the provisions of those Acts respecting convictions and appeal shall apply to proceedings under the said regulations; and all forfeitures under this Act, or under the said regulations, shall be disposed of as forfeitures under the Salmon Fishery Act*, 1861 *and* 1865, *and the proceeds (if any) shall be applied in the manner in which monies received in respect of penalties are, by the Salmon Fishery Acts*, 1861 *and* 1865, *directed to be applied.*

Appendix, No. 2.

PAPER handed in by Mr. *Willis-Bund*, 8 April 1870. Appendix, No. 2.

Severn Fishery District.

RETURN of the Number of Cases heard before the Special Commissioners for English Fisheries, and their Decisions thereon.

Claims.		Decisions.	
		Legal.	Illegal.
Stop nets - - - - - - - -	27	18	9
Putts - - - - - - - - -	399	344	55
Putchers - - - - - - - -	13,989	7,448	6,541
Gate wheel (at Powick) - - - -	1	1	—
Total - - -	14,416	7,811	6,605

This Return does not include certain fixed engines, the property of the Crown, over which the Commissioners held they had no jurisdiction, nor certain putts at the mouth of the Bristol Avon.

Appendix, No. 3.

Appendix, No. 3

PAPER handed in by Captain *Whyte*, 8 April 1870.

Taw and Torridge Estuary.

A Summary of the Number of Boats employed, how many Nights' Fishing, the Quantity of Fish Caught, and the Value of the same for every Month, beginning the 3rd September 1866, and ending 5th January 1867; Four Men in each Boat:—

	Number of Boats Out.	Number of Nights Fishing.	Quantity of Fish Caught.	Value at 4*d.* per Pound.	Number of Men Employed.	One, or each Man's Share for Month.
			Lbs.	£. *s.* *d.*		£. *s.* *d.*
September - - - -	3	15	493	7 4 4	12	- 12 -¼*
October - - - - -	6	20	412	6 17 4	24	- 5 8½
November - - - -	4	15	117	1 19 -	16	- 2 5¼
December - - - -	3	7	49	- 16 4	12	- 1 4¼
		57	1,011	16 17 -		

Cost of watching the estuary against salmon poachers from 1st Sept. 1866, and during the winter months, 38*l.*

A Summary, as above, for every Month, beginning the 1st October 1867 and ending the 10th January 1868.

	Number of Boats Out.	Number of Nights Fishing.	Quantity of Fish Caught.	Value at 4*d.* per Pound.	Number of Men Employed.	One, or each Man's Share for Month.
			Lbs.	£. *s.* *d.*		£. *s.* *d.*
October 1867 - - - -	5	15	363	6 1 -	20	- 6 -½
November - - - -	3	13	166	2 15 4	12	- 4 7¼
December - - - -	2	9	62	1 - 8	8	- 2 7
January 1868 - - - -	1	1	4	- 1 4	4	- - 4
		38	595	10 4 4		

Cost of watching the estuary against salmon poaching during the four months, 38*l.*

A Summary, as above, for every Month, beginning 1st September 1868 and ending the 15th January 1869.

	Number of Boats Out.	Number of Nights Fishing.	Quantity of Fish Caught.	Value at 4*d.* per Pound.	Number of Men Employed.	One, or each Man's Share for Month.
			Lbs.	£. *s.* *d.*		£. *s.* *d.*
September 1868 - - -	7	18	641	10 12 11	28	- 7 7¼
October - - - - -	7	19	485	8 7 4	28	- 6 -¼
November - - - -	4	11	186	3 4 10	16	- 4 -½
December - - - -	2	3	40	- 11 -	8	- 1 4½
January to 15th, 1869 - -	1	3	60	1 - -	4	- 5 -
		54	1,412	23 16 1		

The cost of water bailiffs to watch the estuary in three months has been 39*l.* 17*s.*

* Fractions lower than a farthing are omitted.

Appendix, No. 4.

PAPER handed in by Mr. *Richard Cail*, 10 May 1870.

Report on Fish Pass.—Dinsdale Dam, River Tees.

The River Tees drains a very large area of country, and is subject to heavy floods.

Dinsdale dam is an upright wall, and so high that the river is seldom in a condition that salmon can leap or pass over it to the upper waters.

From the height of the dam, depth of water below it, and the wall being upright, an inclined pass would have to be extended a long way down the river if built at any point between the Old Fish Locks, and would both be costly to build and maintain, and from the varying height of the water, no ordinary means can insure the proper and regular supply of water to the pass, there being too little or too much.

The Durham Lock is now made into a case for the mill wheel, and can no longer be used as a fish lock; but the Yorkshire Lock, which is now used as a fish pass, is available, and, in my opinion, extremely suitable for forming a pass on the best construction at a very light expense.

One great fault of the present pass is (although the floor or bottom has a gentle slope of 1′ 5″ to 25′ 3″, or near 1 in 18, and the rock from the foot of it has a similar slope until it reaches the lowest summer level, that it is an unbroken incline plane over which the flowing water increases in speed and force, and fish cannot make way against it; there is also a difficulty in their finding the stream from the pass, as it impinges upon the river at a point considerably below the dam.

To change all those conditions, I propose to make the following alterations to the Yorkshire pass: to build a wall, or close with wood, at the entrance to the pass, the full height of the pier or old lock, having an opening in it of such a size as is found to be suitable. I propose 2′ 0″ × 2′ 0″, the top of the opening being 1′ 6″ below the apex of the dam, thus insuring a constant and regular supply of water into the pass.

At about one quarter of the length of the pass below this wall, another wall, or stop of wood, is to be built with its apex 10 inches below the level of the apex of the dam, and also having an opening in it of a slightly less area than the front or high wall, say 2 feet × 1 foot 6 inches, so that the water which flows through the opening in the front wall is in greater quantity than can flow through the opening in the second wall or stop, and consequently fills the first chamber and flows over the top into the second chamber, which has a wall or stop the apex of which is 2 feet below the apex of the dam, and also having a similar opening to the wall above it, and consequently the water flows over it into the next space or third chamber; the third wall or stop is similar to the ones above, being 3′ 2″ below the dam apex, and the lowest one at the mouth of the pass 4′ 4″ below the apex of the dam, or 4 inches below the sill of the pass at the high end.

Two similar chambers, or spaces, are formed below the mouth of the pass by oak beams and cutting away the rock, as shown by the plans, sections, and model: by this means the surface level of the water in each chamber is let down by easy stages, and in nearly a fixed and regular quantity, the walls, or stops, staying the rush of water; and the openings, which for the same reason are placed at contrary sides of the pass, afford the means of fish *swimming easily through them from one end to the other, or of leaping over each.*

At about six inches above the level of the apex of the dam a second opening, or slit, nine inches wide, is formed in the wall, to allow fish to pass through when the water on the dam exceeds six inches in depth.

In cases of moderate floods, when the fish are running, say, with one to two feet water on the apex of the dam, the pass will be most useful, as at such times the water below the dam where it falls is so broken that fish cannot spring out of it with effect, and the speed on the dam is so great that they are carried back again; and as the velocity of the water, at a depth of 18 inches on the dam, is so great, that it fills or raises the level of the water below the dam about 4′ 6″, which flows up or abuts against the water coming through the pass, and reduces the column against which the fish have to pass to about 2′ 4″, from the lower to the upper water, with an easy road through it, and more than balances the increased pressure which would otherwise occur from the rise of water in the dam. A boom to be chained to the bank at one end, and a pile driven in and stayed at the pierhead to retain it in position, and allowed to float on the water, will, in case of high floods when the water flows over the pier, keep any floating matter clear of the entrance to the pass.

Richard Cail.

Newcastle-upon-Tyne, 25 June 1868.

Appendix, No. 5.

Appendix, No. 5.

MEMORIAL presented to the Treasury by the Rev. *S. F. Surtees.*

COSTS OF SALMON FISHERY APPEALS.

Sir, 14 February 1870.

WILL you allow me respectfully to call your attention to an expenditure of the public funds by the Treasury, which I submit has these grave errors, viz., that it is not authorised by an Act of Parliament, that it is contrary to the spirit of the judgment pronounced (Garnett *v.* Backhouse, Court of Queen's Bench, Westminster, 5th May 1868), is unconstitutional in theory, partial in operation, oppressive to individuals, and tends to encourage litigation.

I have recently been called upon to enter into a recognisance of 100 *l.* to prosecute an appeal against a decree of the Special Commissioners for Salmon Fisheries, given *as long back as 28th May* 1867.

I am credibly informed, that in a somewhat similar case (Garnett *v.* Backhouse), the expenses of the Conservators in that appeal were paid by the Treasury; that Mr. Hannen, instructed by the Attorney-General, appeared for the defendant, "Mr. Backhouse." I am informed that both Commissioners and Conservators have reason to believe that the Treasury funds will also be forthcoming in my case (Dinsdale Dam on the Tees).

That it was owing to Sir George Grey's "*ipse dixit*," that this was ever allowed, but that *since then* the decision above alluded to by the Court of Queen's Bench has been given, and that at any rate such a case as that of Dinsdale Dam was never contemplated.

That it is partial in operation is evident, because in a case of last month (26th January 1870), Court of Exchequer, where the fishery of the Duke of Northumberland, in the "*tidal*" waters of the *Tyne*, was called in question, each party had to bear their own risks at law; why should there be one law for the Tyne, and another for the Tees? The law officers of the Crown ought to have no favourites, or to interfere with litigation against private individuals.

That in this case the judgment of the Commissioners sought to be enforced would, even *if they succeeded*, be hurtful to the river; that they have already owned that it was a mistake before the Select Committee of the House of Commons; that it is therefore only a waste of public money for no practical end, to encourage such confessed vexatious litigation. If the Conservators had to find the funds these law suits would be less numerous, whereas the opportunity of trying abstract points of law, and oppressing individuals by constant litigation, is facilitated by the Treasury allowing the costs of these appeals to be a charge upon the public purse.

I have subjoined (A.) a statement of the case, and earnestly hope that I may meet with redress, or at least with attention, on a subject which I cannot but consider a hardship and a wrong.

I have, &c.

To the Right Hon. J. Stansfeld, M. P., (signed) *Scott F. Surtees.*
Financial Secretary to the Treasury.

(A.)

Dinsdale Dam.—Statement of Case.

That the judgment delivered by Mr. Commissioner Paterson was as long since as 28th May 1867.

That Mr. Surtees has recently been ordered by the Commissioners to prosecute this appeal.

That both Commissioners and Conservators have expressed an opinion that the Treasury will intervene.

That the case is as follows:—

In 1867, April 4th, 5th, 6th, Mr. Surtees was summoned to appear before Commissioners at Darlington, and to produce "his title-deeds, and all other documents relating to his mill and fishings, &c. &c."

That his title-deeds went back to A.D. 1331, and being very many, the trial lasted three days, at an enormous expense. That the Commissioners stated in their judgment, "What is therefore our order is, a cutting at the top of the dam seven feet wide and four feet deep in the centre of the dam." They state, though this will be the "formal order," the literal execution of it *will not be* "insisted on, provided the owner propose some other plan which will meet with our approval."

That in accordance with this decision, Mr. Surtees offered an opening 7 × 4 at the *side* instead of in the *centre* for a fish-pass; that all three Commissioners came down and met the Conservators and Mr. Surtees' engineer; that they stated publicly that it "did meet with their approval." That they gave their order to Mr. Surtees' engineer as to the alterations; that they had a pier taken down by their own express directions, which broke the force of the water; that they came down again before the coffer-dam was taken out, and expressed themselves satisfied; that owing to the velocity of the water, which they had not calculated upon, they now acknowledge such openings as 7 × 4 are a mistake, and yet now want their original order to be insisted upon ("viz., 7 × 4 feet in centre of the dam"). That it is to enforce this order, which Inspectors of Salmon Fisheries, every practical man, and *they themselves*, own would be a failure, and do rather harm than good to the river, that this expenditure of public money is asked for.

The following is Mr. Paterson's (Chief Commissioner) evidence before Select Committee last Session, p. 17, Q. 175: "When a gap is opened in the middle of the weir, the velocity of the water passing through is so great that no fish could pass." Again, p. 37, Q. 579, in answer to Mr. Knatchbull-Hugessen: "Do you remember your order in the Dinsdale Dam case, an opening in the centre of the dam"? Answer, Mr. Paterson: "Yes; it *was thought at that time* by everybody that that was an infallible mode of enabling the fish to pass, but it has *since been found that it is not so.*" (*See* p. 133, par 6; p. 69, Qs. 1357, 1359, 1360.) Yet it is *this order* which the Treasary is expected to find funds to enforce. Is not this becoming a party to vexatious litigation? and is not this oppressive to a private individual? *If* the Commissioners succeed, they gain nothing; and Mr. Surtees anyway is put to great legal expenses. The Commissioners acknowledge in their judgment that the dam has existed "in its present state" more than 100 years. The expense of the trial before the Special Commissioners was 300 *l.*, the sum expended in carrying out their order under their superintendence was 157 *l.*, the alteration to make the mill-wheel work at a lower level 186 *l.*=644 *l.*, and now they wish the original order returned to, and more sums spent in law, although they have already put us to such enormous expenses by their proceedings.

The Special Commissioners who tried this important case, involving nice points of law, thus depriving us of our right to have such question tried before judges learned in the law, consisted of a soldier, a sailor, and a barrister of 10 years' standing; there was no power to summon a jury to decide upon the facts of the case.

Appendix, No. 6.

Appendix, No. 6.

PAPERS handed in by Mr. *T. F. Brady*, 31 May 1870.

ELECTIONS OF CONSERVATORS OF FISHERIES, 1870.

SALMON FISHERIES ACTS (IRELAND), 32 & 33 Vict. c. 92, and the Acts incorporated therewith.

NOTICE.

WHEREAS all existing Boards of Conservators will cease in the month of October next, and New Boards are to be elected, we, the Inspectors of Irish Fisheries, call the attention of Boards of Conservators, and those interested in the fisheries, to the following provisions and regulations in respect to such elections of conservators of fisheries.

The elections for the district of . . . . . should be held so as to commence on the . . . . October

---

1. The Board of Conservators shall fix and publish notice of the times and places for the meetings of electors, in each electoral division, for the election of conservators for the same, and the number of conservators as already settled to be elected for each electoral division.

2. Two weeks' notice thereof shall be given by hand-bills and advertisements in two or more newspapers circulating in the district.

3. The meetings for elections shall commence at the hour named in the notice to be published by the Boards of Conservators, and no votes shall be received after three o'clock in the afternoon of the day so fixed.

4. Every person shall be entitled to vote at such meetings who shall have paid license duty for the current year, within the electoral division for which such meeting is held, and no others.

5. Such persons shall choose a chairman to preside at such meeting, who shall receive the votes of the electors.

6. No person shall be eligible for the office of conservator in any electoral division in which he does not reside or possess real property.

7. Every person shall produce their licenses for the current year at the time of voting.

8. Persons entitled as aforesaid to vote at such meetings shall be entitled to have a vote or votes thereat, according to the following scale (that is to say), if the license duty paid—

Shall not amount to 2 *l.* - - - - -	1 Vote.
Shall amount to 2 *l.*, and not amount to 5 *l.* - -	2 Votes.
Shall amount to 5 *l.*, „ „ 10 *l.* - -	3 Votes.
Shall exceed 10 *l.* - - - - - -	4 Votes.

9. Persons voting by proxy shall endorse upon their license the name of the proxy whom they authorise to vote for them, and the said license shall be produced at the time of voting by the said proxy, such proxy being a qualified elector.

10. The chairman of such meetings respectively shall declare the persons who shall have received the greatest number of votes to be the elected conservators, and shall certify under his hand the election of each conservator, and *furnish him with a certificate* which shall be sufficient authority for him to act as such conservator; and shall also, within four days after such election, cause a list of such conservators, with a statement of the residence and post town of each to be transmitted to our office, 12, Ely-place, Dublin, and shall also publish the said list in one or more newspapers circulating in the district.

11. If in any district one or more persons shall possess a several or exclusive fishery or fisheries therein, as owner, lessee, or occupier, valued under the Acts for the more effectual relief of the destitute poor in Ireland at 100 *l.* yearly, or upwards, he or they shall be entitled to sit with the elected conservators for such district, and shall be deemed *ex-officio a conservator or conservators* for the same, so long as he or they shall possess such fishery or fisheries, and shall have a vote in all matters, and have all the powers and privileges under the Act which the elected conservators may individually possess; provided always, that when a fishery so rated shall be held by several persons as owners, lessees, or occupiers, one person alone shall sit and act as a conservator as aforesaid in respect of such fishery.

12. Magistrates paying license duty, and being owners of land abutting on rivers or lakes in any district, may act and vote as *ex-officio* members of any Board of Conservators elected for any such district.

13. The persons elected, as aforesaid, together with all the said *ex-officio* conservators shall

shall conjointly form a Board of Conservators of Fisheries for the district, and shall continue to hold office for three years from the time of their election, when a new Board shall be elected in like manner, and so in like manner at each triennial election.

Given under our hands this 1st day of June 1870.

} Inspectors of Irish Fisheries.

Note to Para. 10.—Forms of certificates will be furnished by the inspectors to the different clerks of the Boards of Conservators.

FORM of Order altering Boundaries of a District, &c.

SALMON FISHERIES, IRELAND.

Acts 5 & 6 Vict. c. 106; 7 & 8 Vict. c. 108; 8 & 9 Vict. c. 108; 9 & 10 Vict. c. 114; 11 & 12 Vict. c. 92; 13 & 14 Vict. c. 88; and 26 & 27 Vict. c. 114.

WHEREAS, the Commissioners acting in execution of an Act passed in the 12th year of the reign of Her Majesty Queen Victoria, c. 92, intituled "An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries in Ireland," and the Act since passed amending the same, did heretofore on the 1st day of June 1850, declare the boundaries of No. 10^2, or the Bangor District, to be as therein particularly mentioned and described: And whereas application has been since made to us by the Board of Conservators for said district so declared as aforesaid, to alter the said district and to fix other boundaries for the same;

Now we, the Special Commissioners for Irish Fisheries, pursuant to and in exercise of the powers for that purpose to us given in and by the said Act and the Acts since passed amending the same, have altered, and do hereby alter, the aforesaid No. 10^2, or Bangor District, and have fixed, and do hereby fix, the boundaries of the said No. 10^2, or Bangor District, henceforth to be as shown and set forth in the Schedule and Map hereunto respectively annexed. And we do declare that said No. 10^2, or Bangor District, as hereby altered, shall consist of the Electoral Divisions stated in said Schedule; and that for each such electoral division the conservators to be elected shall be the number set forth in the said Schedule for that purpose.

Given under our hands and under the Common Seal of the Commission this 24th day of April 1866.

Frederick Eden,
Wallace Houstoun,
R. J. Lane,
} The Special Commissioners for Irish Fisheries.

THE SCHEDULE to which the foregoing Order refers.

No. of District.	Name of New District with Boundaries of same.	Electoral Divisions.	No. of Conservators to be Elected.	Principal Rivers in the District.
No. 10^2	The Bangor District. From Pigeon Point, county Mayo, to Benwee Head, county Mayo.	A. The whole of the sea along the Coast between Pigeon Point and Benwee Head, county Mayo, and around any islands or rocks situate off the same, with the whole of the Tideway along said Coast and Islands, and the whole of the tidal portions of the several Rivers and their Tributaries flowing into the said Coasts between said Points.	A. 3.	Newport. Ballycroy. Burrishoole. Owenmore. Munhim. Glenamoy.
		B. The whole of the Upper or Freshwater portions of all Rivers, Lakes, and their Tributaries, comprised and terminating in the Tidal Electoral Division A.	B. 3.	

Dated at the Office of the Special Commissioners for Irish Fisheries, this 24th day of April 1866.

Frederick Eden,
Wallace Houstoun,
R. J. Lane,
} The Special Commissioners for Irish Fisheries.

Appendix, No. 7.

Appendix, No. 7.

PAPER handed in by Mr. *James Paterson*, at request of the Committee, 31 May 1870.

To *Joseph Dodds*, Esq., M.P., Chairman of the Select Committee on Salmon Fishery Laws.

Sir,

BEFORE the Evidence taken by the Select Committee on the Salmon Fishery Laws closed, it occurred to me that I might with advantage add a few words on three points, which had acquired greater prominence than they seemed to possess at the outset of your inquiry, when I gave my evidence; and as the Committee have to-day allowed me to put these remarks in writing, I beg now to do so. The points I refer to are—1, Fishery Rate; 2, Expense of Fishways; 3, Election of Boards of Conservators.

1. *Fishery Improvement Rate.*—The mode I suggested last year of imposing a fishery rate to defray the charges of fishways was by making the rate on all occupiers or owners of fisheries, at the same time raising the license duties on those who were not occupiers of fisheries. The valuation, I thought, ought not to be based on frontage or mileage, but on actual rateable value as ascertained by some valuer in the same way that all rates are imposed on real property. The objection that seems to have been raised to that proposal was, that it would be taxing the riparian owners for the benefit, mainly, of the licensees who fished as public fishermen, and who would not contribute. Though this objection overlooked the point that the raising of the license duties on the public fishermen, in corresponding proportion, could easily be made to equalise the burden on all, still, on further reflection, I think that the real objection to a rate on owners of fisheries is, the somewhat cumbrous machinery necessary to give it effect. In order to levy a rate there must be some valuer; there must be a right of appeal by the ratepayer, and there must be powers of distress; all of which would involve considerable details, and so complicate the enactments. What I now think would be a simpler, fairer, and more effectual mode of imposing a fishery improvement rate, is merely to make it an addition by way of per-centage, of not more than 25 per cent. on the license duties. The license duties are, or ought to be, made fairly to represent the catching power of the instrument of capture, and the value of the fishery. If so, then the license payers will assess themselves, and by merely adding the per-centage to the license duty, the necessity of any provisions for appeal and distress is avoided, for both sums would be paid together, and in advance, due notice being given beforehand every year of the fishery rate or per-centage leviable, in addition to the license duty. Though this would be rather in the nature of a toll or duty than a rate, still, for the sake of keeping it distinct and exceptional, it should be called a fishery improvement rate. By this mode, every person who sought to profit by the improvements would have to pay for them, in some shape, and no others would require to pay except those who did so profit. If so, the mode of levying and collecting the rate would be all that can be desired. It might be said that owners of fisheries which would be improved by the expenditure of the borrowed money, could avoid paying their fair share by not taking out any license; but if they so acted, then all or most of the fish which frequent their fishery would be caught in the fishery of those neighbours who took out the license. Thus, by making both the license duty and the fishery rate or per-centage thereon payable together, nobody could profit without contributing a fair share of the expenses, for nobody could catch fish without paying license duty, and nobody could pay license duty without also paying the rate; and if he omitted to pay either, then his waters would at least serve to preserve or supply fish in greater degree for his neighbours who did pay their share of the burden.

2. *Expense of Fishways.*—Though I have nothing substantially to alter in the evidence I gave as to the proper mode of ascertaining who ought to bear the expense of fishways, a remarkable precedent has now occurred in Scotland, both for making fishways compulsory upon all owners of mill-dams, and also for fixing the whole expenses of these, as well as of gratings, sluices, and other matters upon such millowners. At the time I was giving my evidence last year, a case was being decided in Scotland, which has resulted in explaining what I felt was left somewhat ambiguous under the Scotch Fishery Acts. That ambiguity has now been cleared up by an authoritative exposition of the present Acts governing Scotland, and the result is as follows: The Scotch Salmon Fishery Acts gave power to the Fishery Commissioners to frame bye-laws as to the construction and alteration of mill-dams and mill-races; the Commissioners framed bye-laws accordingly, and a subsequent Act confirmed those bye-laws, and made them part of the Statutes. The Scotch court, consisting of seven judges, has, by a majority of four, in effect held that the mill-owner is bound, at his own expense, to make: 1. A fish pass in his dam, having as its inlet, a cut or notch four to six feet wide, and six inches below the crest of his dam (which is nearly equivalent

equivalent to a square notch of two feet). 2. A grating at the head of the mill-race, and one at the end of the tail-race. 3. To make a sluice-gate, if not already made, at the intake or head-race, so as not to allow more water to flow down that mill-race than what the mill requires; and one or two minor matters. The Scotch Statutes have imposed this obligation on millowners, notwithstanding they may have had their mill-dam and premises in the same state for time immemorial or hundreds of years. This, therefore, is a far more stringent law than I suggested for England; for I thought there might be many instances where the expenses might well be thrown on boards of conservators, according to the state of the law affecting these mills antecedent to 1861. And it must be borne in mind, that in Scotland all salmon fisheries, both in tidal and fresh waters, are private property; and there is no such direct public interest as exists in England to make that kind of legislation so urgent and necessary. Yet all the seven judges unanimously agreed that a law making fish passes and gratings compulsory on the millowner, was a perfectly proper and legitimate exercise of legislative authority. It was only on the question whether the expense of these things should be thrown exclusively on the millowner in all cases, that any difference of opinion existed. And the reasons given by the majority of the judges, are so entirely in accordance with what I said to the Committee, that I will add two extracts from their opinions.

Lord *Deas* thus expressed himself:—

"A great deal of proof has been over-anxiously had here, as to whether this is or is not a serious burden, and the result is, that some think it will be a considerable expense and disadvantage, and some think it will be no expense worth mentioning, nor any disadvantage. I cannot say the proof has impressed me with the idea that it will be a heavy burden on the proprietor, either to make these hecks or to keep them up; but that is scarcely a matter for our consideration. The proprietor says that the heck at the mill-wheel serves his purpose. Very credible witnesses tell us that that is the most dangerous place for it, because no man can go there to clear the heck without the risk of his life. If that be so, it must be useful to have hecks which prevent the rubbish getting that length. As to the importance of the hecks for the protection of the salmon fishery, that is a very clear matter. One witness says he has in that lade killed 210 salmon in one night. The importance of the protection on the one hand, and the somewhat serious nature of the burden on the proprietor on the other hand, must be taken for granted. The question is, what did the Legislature intend? I cannot say I am so much moved as my brethren, who have spoken, seem to be by the fact that the proprietor of the lade and of the mill or mill-dam gets no benefit by the regulation, and that the proprietors of the salmon fisheries do. The benefit of the proprietor of the salmon fisheries is not the sole object of these statutes; I do not think it is their principal object. From the earliest times when Scotland was a separate kingdom, as well as now, all these Salmon Fishery Statutes have in view the public benefit much more than the benefit of the proprietors of the fisheries. The Statute 1696, c. 33, begins with the preamble, 'Considering the great advantage that redounds to this kingdom by the salmon fishings therein,' and it goes on to make an enactment that there shall be a constant slap (gap) in mid-stream in every mill-dam, so as to allow the free passage of the salmon. Not very long ago we had to consider that statute, and although it was not made the subject matter of decision, we did not entertain any doubt that that statute which made it imperative to have this slap in the middle of the mill-dam, was meant to be applicable to mills and mill-dams which existed before the time it was passed, as well as to those that might be erected afterwards; and it never was doubted that the expense of making and keeping up the slap in the mill-dam was upon the proprietor of this dam, although the statute does not say a word about it. I think all the other statutes indicate the same policy. It is therefore not a very startling thing that for the benefit of the salmon fishery, which, as the old statute says, redounds so much to the benefit of this kingdom, the proprietors shall be laid under an obligation to do reasonable things of this sort which create some expense, to prevent the great detriment that would otherwise redound to the public. If, for instance, 210 salmon per night were to be killed, in this mill-lade during close-time, and the same number, it might be, in every mill-lade in the kingdom, so that with other destructive causes operating, there might soon be no salmon left at all. If the regulations of the Commissioners were totally extravagant and unreasonable, I am not prepared to say that this court would not have a controlling power over them in that respect. I do not understand any such objection to be taken to these regulations, and I do not see any room for such an objection. If the thing is to be done at all, I do not suppose it could be done in a more reasonable way than is proposed here."

Lord *Benholme*, in the same case, made these observations:—

"I quite agree with Lord Deas, and I think his opinion is confirmed by the words of the statute itself, that the sole benefit of these regulations is not to be taken by the proprietors of salmon fishings. I think that interest is a very secondary consideration, and I do not think our judgment, with reference to the cost, is to be determined by any such idea that the sole benefit to be derived from the statute and regulations of the Commissioners is to put into the pocket of the proprietors a large rent for the fisheries; I think the material consideration is the public benefit. We know that salmon fisheries have been the favourites of the Scotch laws since ever there was law in Scotland; and we know that this matter has been followed out very inflexibly. I am not aware that

Appendix, No. 7.

the interest of the proprietors of salmon fishings has ever been considered in regard to this matter. No doubt they catch the salmon and bring them to the public; but the great public benefit is the increase of the salmon. I take it that there is one principal consideration to regulate us in deciding the present question. But there is another that has struck my mind, and I do not think it has been mentioned by any of my brethren. Where a new erection is to be made, it is clear that these Commissioners have power to direct, in some respects, how it is to be made, so that it may not constitute an obstacle to the free passage of the salmon, so as not, in the eye of the law, be a nuisance, for such I think it would be. In that case it is very clear, I think, and cannot be doubted that the extra expense of avoiding this nuisance of causing a new erection to be innocuous must be borne by the party who purposes to make a new erection, just that he may escape the responsibility of causing a nuisance to the public. If that be so, I look on it that the law considers every existing construction which has the baneful effect of interrupting the salmon as a faulty construction, and liable to be altered. I think that it is the view that justifies the statute being passed. I have no idea that the statute could be read as merely for the benefit of salmon fishery proprietors. The public interest is clearly involved, and that is injured by the existence of dykes, or whatever may cause an obstruction to the free passage of the salmon. There, to my mind, is another good reason why any necessary alterations of these constructions should be at the expense of the party who owns them. The two considerations, then, which guide my mind are—1st, the statute is not for the benefit of the salmon fishery proprietors, but for the benefit of the public; and, 2nd, the constructions to be altered are in the eye of the law an offence. If there be anything in this, it would solve the question of cost entirely, because the party who owns the subject which sins against the public benefit is bound to set it right, and to set it right for the public benefit, not for the benefit of the salmon fishery proprietors. The fishery proprietors are constituted a board, and there is an assessment laid by them for the ordinary purposes of the Act. They have their burdens in the execution of the law; but it does not consist in bearing the burden of altering those faulty constructions, that belongs to other people. They carry out this Act, and an assessment is laid upon them. That is justified by the interest they have in the matter. But I consider the material thing is, that they are acting for the public benefit, and that they are acting against parties, or to affect parties whose property is in fault. That is the view on which I found myself in holding that, in the first place, the owners or occupiers of the mill shall do the thing. I think the considerations which Lord Deas has suggested render it absolutely necessary that the burden should, in the first place, be imposed on them; but, secondly, I think the cost of doing the thing ought to rest with them for the reasons I have suggested."

The case in which the above decision was given, is entituled *Kennedy* v. *Murray*, 8th July 1869. (Court of Session Reports.)

3. *Election of Boards of Conservators.*—Though I stated in my evidence last year that boards should be elective, I had not at that time considered minutely the details of procedure. I have since considered the subject, and it occurs to me that the Irish fishery laws supply the best precedent on this subject. Each fishery district should be subdivided into wards or electoral divisions, so that the number of members representing those who are interested in the fresh water, or non-tidal waters, should equal the number of those elected for the tidal waters. The total number of the board should not exceed 24 nor be less than six. The election should be by voting papers, and one-third of the members should retire each year, and be subject to re-election, as in the case of local boards of health under the Public Health and Local Government Acts. The power of election should be confined to the license-payers; for every riparian owner, if he pleases, can make himself a license-payer, the number of votes to be regulated, as in Ireland, by the amount of license duty paid. In the case of several fisheries in tidal waters, the owner, if the value of the fishery exceed 100 *l.* a year, should be an *ex officio* conservator, but the total number of conservators should be so fixed that the *ex officio* and elected conservators for the tidal part of the district shall together be equal to the elected members of the non-tidal wards or electoral districts. In no other case should there be any *ex officio* conservators. The election should take place in May, or during each fishing season.

The above points contain all that I wished particularly to add to my former evidence, and I will not trouble your Committee with further observations on minor topics.

I have, &c.
(signed) *James Paterson.*

Appendix, No. 8.

SUMMARY of RECOMMENDATIONS made by Mr. *Thomas Francis Brady*, 31 May 1870. Appendix, No. 8.

1. PROVIDE that England and Wales should be divided into fishery districts in the same manner as done in Ireland, under 11 & 12 Vict. c. 92, s. 3.

2. That the first election of conservators, after passing of Act, should be held in the October after such divisions made.

3. That the funds collected from license duty for the fishing season immediately preceding the election, should be carefully retained and handed over to the new boards of conservators.

4. That the elections of conservators should be triennial, and be regulated as in Ireland.

5. That water-bailiff's powers should be extended as in Ireland. *See* 84th section of 5 & 6 Vict. c. 106.

6. That the weekly close season should be same as in Ireland.

7. That the number of days in the close season in each district should be not less than 168 days.

8. That power be given as in Ireland to vary the annual close season, subject to the foregoing.

9. That powers same as given by 91st section of 5 & 6 Vict. c. 106, to make bye-laws. be given.

10. That all netting in fresh waters be prohibited between 8 P.M. and 6 A.M.

11. That netting in fresh waters be prohibited unless the right has been heretofore exercised for 20 years before passing of Act.

12. That all fishing (save by rod and line only) be prohibited within 50 yards of Queen's Gap, and within 100 yards of a mill dam, and not within 200 yards of mill dam, unless the right has been exercised for 20 years before passing of Act, nor unless such mill dam has such a fish pass therein as will enable salmon to pass up at all times.

13. That the use of nets be prohibited as in Ireland, within certain distances of the mouths of rivers, such mouths to be defined and mapped out by the Commissioners.

14. That minimum penalties be provided for second or subsequent offences.

15. The license duties and rates on several fisheries be regulated as in Ireland, with this amendment, that the Commissioners should have the power to increase the license duties in any district to the maximum allowed by the Act.

16. That additional duty on all engines used for fishing be imposed in districts where boards of conservators have built fish passes, removed obstructions, or dam other works.

17. That gratings to mill leads be regulated as in Ireland.

18. That where a mill dam has been erected or added to within 20 years before passing of Act, the owner should be compelled to erect a fish pass at his own expense, according to plans approved by the Commissioners.

19. That power should be given to the Commissioners to inquire into all dams, and to order in the case of illegal dams that the owner thereof shall build fish pass in accordance with plans approved by the Commissioners.

20. That fixed engines for eels be prohibited during the daytime, and from 1st January to 1st July.

21. That a separate fishing board for the management of all the fisheries of England, Wales, and Ireland, should be formed, and that inspectors under board should be appointed for each country.

22. That the inspectors should have power to hold meetings, and examine witnesses on oath, as regulated by 7 & 8 Vict. c. 108, s. 3.

Appendix, No. 8.

23. That an appeal against the decision of the Commissioners, with regard to the legality of any engine used for fishing, or of any dam or fishing mill dam, should be given to any of the courts of law.

24. That an appeal against any bye-law, order, regulation, or other decision, be given to a judge in chambers.

25. That power be given to the Commissioners to prohibit in any district or run the angling for trout during the descent of salmon fry.

P.S.—That the sluices in the openings of all passes in dams be under the control of the miller, and a penalty provided against his allowing the water to go to waste, either through or over the dam, and leaving the sluice in the mouth of the pass shut when sufficient water in river to supply fish pass and mill; or, in other words, when water on a level with apex of dam.

There are other salutary provisions in the Irish Fishery Laws which I would also strongly recommend in the framing of any new measure, all of which I beg to submit for the information of the Committee.

Appendix, No. 9.

PAPERS handed in by Mr. *Paterson*.

CORRESPONDENCE, between the Special Commissioners of English Fisheries and the Treasury, &c. Appendix, No. 9.

Mr. *Welby* to Mr. *Paterson*.

Sir, Treasury, 5 March 1870.

I AM directed by Mr. Stansfeld to send you the enclosed letter, which has been received from Mr. Surtees; and I am to ask you if you will favour him with any remarks you may think fit. As he is not aware of the circumstances of the case, he has not made Mr. Surtees' letter official, and will not do so until he is satisfied that it is a case in which the Treasury, as a Department, are concerned.

I am, &c.

James Paterson, Esq. (signed) *R. E. Welby.*

Mr. *Paterson* to Mr. *Welby*.

8, Parliament-street, Westminster,

Sir, 9 March 1870.

I BEG to acknowledge receipt of your letter of the 5th instant, inclosing for my remarks a statement of Mr. Scott Surtees, as to an appeal now pending against a decision of the Special Commissioners for English Fisheries.

I have to observe that this statement is almost identical with another statement which Mr. Surtees addressed to Mr. Secretary Bruce about three months ago.

The Commissioners, on request, forwarded to Mr. Bruce a very full explanation of the whole case; and in answer thereto received from him a letter, of which I enclose a copy.

The statement of Mr. Surtees is most exaggerated and perverted in nearly all its details. The hardship and oppression of which he complains are entirely on his own side, and the alleged delay is also entirely caused by his own acts.

If I may venture an opinion on such a subject, I apprehend that this matter was one peculiarly for the Home Secretary, who has already disposed of it, and it concerns the Treasury in no other sense than every other matter does in which a public department has for good cause thought fit to have certain public interests duly represented in a court of law by the law officers.

If it were not for the length of the document, I would have enclosed a copy of the letter above referred to, which was sent by the Commissioners to the Home Secretary; and if Mr. Stansfeld still desires to see it, I will cause a copy to be immediately made and sent to him, which would probably satisfy him as to the entire groundlessness of Mr. Surtees' complaint.

I beg to return the statement of Mr. Surtees.

I am, &c.

R. E. Welby, Esq., Treasury. (signed) *Jas. Paterson.*

The Under Secretary of State, Home Department, to the Special Commissioners of English Fisheries.

Gentlemen, Whitehall, 17 December 1869.

I AM directed by the Secretary of State to transmit to you, for your report thereon, the enclosed letter from Mr. Scott F. Surtees, with reference to a notice that he has received from you, calling upon him to enter into a recognizance to prosecute an appeal on a judgment delivered by you in May 1867 as to the legality of the Dinsdale Fishing Mill Dam in the River Tees, together with observations thereon by the inspectors of salmon fisheries.

I am, &c.

The Special Commissioners of English Fisheries. (signed) *A. F. O. Liddell.*

Appendix, No. 9.

Mr. *Scott Surtees* to the Secretary of State for the Home Department.

Salmon Fisheries.—Dinsdale Dam.

Sir, Sprotbro', near Doncaster, 8 December 1869.

I RESPECTFULLY ask your attention to the following statement:—

I have received a notice from Special Commissioners of Fisheries, calling upon me to enter into a recognizance of 100 *l.* to prosecute an appeal on a judgment delivered as far back as 28th May 1867; it was as follows (pp. 11. 19):—"What we will therefore order is a cutting in the top of the dam seven feet wide, and four feet deep, that being what we find to be the size of the opening required in ordinary circumstances for this purpose, and the situation of this opening will be in the centre of the dam. Though, however, this will be the formal order, we wish it to be understood that the literal execution will not be insisted upon, provided the owner propose some other plan, whether it be in the form of a fish pass or otherwise, which will meet with our approval," &c.

In accordance with that judgment, with the full approbation, sanction, and even personal co-operation of the Commissioners working with their own hands, we made an opening of the width and depth ordered (viz., seven feet by four feet) on the Yorkshire end of the dam (*see* p. 44, Minutes of Evidence before Select Committee of Salmon Fisheries, Question 733, and also Question 764).

Power is now sought to compel us to return to the original order, and make another opening in centre of dam, seven feet by four feet.

Now in a letter to Home Office, Appendix to Evidence, p. 133, Mr. Paterson states, "Moreover, all that the Act gave power to the Commissioners to do, on finding a fishing mill dam illegal, was to render it incapable of taking fish, *i.e.*, by closing up the fishing box, which is a remedy mostly worse than the disease." *See* also p. 135 (31).

Mr. Paterson has above confessed that he in our case exceeded the "powers given to the Commissioners." Also in Rolle *v.* Whyte (*see* Mr. Paterson, pp. 133–135), he owns that the decision of the upper courts is against him.

Let alone this, even if successful, it is acknowledged by all parties that owing to the force of water passing through such an opening in the centre of such a river as the Tees, such pass must be a failure, and therefore nothing is to be gained save increased expense and further vexatious litigation to your petitioner.

I would earnestly call attention to the fact that we have already been put to the expense of a trial before the Special Commissioners at Darlington, when we were subpœnaed to produce "all our title deeds," which trial cost us 300 *l.* and upwards; that we have since spent in carrying out their order under their personal superintendence, 157 *l.* on the pass; and in alterations of mill in connection with their order that the wheel might work at a lower level, 186 *l.*, in all between 600 *l.* and 700 *l.*; and that this cost has been incurred solely and wholly through the acts of the Special Commissioners, and that it is now sought to saddle us with another trial in the upper courts.

I have been credibly informed that in the trial, Garnett *v.* Backhouse, on the Ribble, the expenses were paid out of the public funds, and I suppose with the sanction of the Home Office.

Since that trial it has been decided (Court of Queen's Bench, 6th May, Westminster, Costs of Salmon Appeals, Garnett *v.* Backhouse; Rolle *v.* Whyte) that the parties appearing before the Commissioners, and not the Crown, are liable to costs. In the case above mentioned, Mr. Hannen (now Mr. Justice Hannen), instructed by the Attorney General, appeared to support the order, and counsels' fees and expenses, I believe, were paid by the Crown.

I humbly and respectfully ask that in our case, at least, the public purse may not be used to encourage vexatious litigation against a private individual, and respectfully desire that we may be informed whether or no the expenses of the conservators, in whole or in part, will be defrayed from the public funds.

Yours, &c.

The Right. Hon. H. Bruce, M.P, (signed) *Scott F. Surtees.*
Secretary of State for the Home Department.

The Special Commissioners of English Fisheries to the Secretary of State for the Home Department.

Sir, 8 January 1870.

WE have the honour to acknowledge receipt of your letter (containing enclosures, which we herewith return), dated 17th December last, requesting a report from us as to a letter addressed to you by Mr. Scott Surtees, with reference to his being required by us to enter into a recognizance to prosecute his appeal against a judgment delivered by us in May 1867. As your letter reached us in the middle of an engagement of some duration, in the course of our duties in the country, we have been prevented from replying at an earlier date, which must be our apology for the delay.

With

With reference to the letter of Mr. Surtees, as it is obviously written by one who is not versed in legal proceedings, it can scarcely be expected that we should enter in detail into the irrelevant and exaggerated statements and assertions it contains, but we will confine ourselves merely to the substance of his complaint, which is mainly threefold, (1.) That we have decided illegally his case; (2.) That we have already admitted that we decided wrongly; and (3.) That we are now oppressing him with vexatious and expensive proceedings for the mere purpose of oppression. Each and all of these statements or insinuations we will show to be entirely groundless, if not the reverse of the fact.

In order to explain the position in which his case stands, we may observe that we act as a court of law for the solution of complicated questions, and we proceed in all respects on the same principles, and according to the same practice, as judges of any of the courts of law would necessarily do who should be invested with the same kind of jurisdiction. We are bound to hear both sides, and their witnesses on oath, before deciding, and when we decide we have the ordinary incidental powers of all courts in working out our jurisdiction, neither more nor less. If we make any mistake, either party who feels aggrieved can appeal to a superior court, and by that means he can conclusively ascertain whether we were right or wrong.

Mr. Surtees was in the usual manner, as directed by the statute, required to prove the legality of a fishing mill dam on the Tees, of which he was one of the owners. The dam had the effect of injuring the property of all the other riparian owners, also of the owners of several fisheries in the tideway, and also the public franchise of fishing in the Tees, all whose property and interests in the aggregate were permanently depreciated to the extent of 2,000*l.* or 3,000*l.* a year.

All these conflicting interests were duly represented before us, and therefore, while entire justice was due to Mr. Surtees in defending a property, however small, which destroyed the property of his neighbours, however large, it ought not to be overlooked how many other persons' property and interests were involved besides his own, and how very much greater in amount and value was the interest of his opponents.

It is not insinuated that we had not jurisdiction to try the case. We decided the case according to law, and to the sound construction of the statutes, as it was our duty to do, and the decision was against Mr. Surtees.

His remedy then was to appeal against our decision, and that he did in due form by giving notice of appeal. The effect of giving notice of appeal is to prevent anything being done in the way of carrying out our judgment until such appeal has been decided and got rid of.

In order to understand the nature and effect of our judgment, it is enough to say that this fishing mill dam at Dinsdale consisted of three parts. There was a very high dam, or wall, across the whole bed of the river; there were two fishing boxes, or culverts, one at each end of such dam, and there was a small mill which depended on the dam. For the purpose of the mill, a dam two feet lower would be all that is necessary.

This extra height of two feet was intended solely to prevent the fish passing, and to drive them into the fishing boxes, and thus was an inseparable adjunct of the fishing boxes; and if the fishing boxes were illegal, the extra height of two feet would also be illegal, being used solely to aid the fishing boxes.

We came to the conclusion after hearing both sides fully, that the fishing part of the dam was entirely illegal, and we had thereupon power to render the dam incapable of catching fish. This part of our jurisdiction is necessarily matter of discretion within reasonable limits, for there may be twenty different ways of rendering the dam incapable of catching fish, and we are to see which is the most reasonable mode, having regard to all the circumstances and to the enactments of the statutes.

From what precedes, it is obvious that one way of rendering the dam incapable of catching fish, was to order the whole length of the dam to be lowered by two feet, and the boxes to be closed up or otherwise altered, for that would not have affected the mill. But as this might have been unnecessarily expensive, we contented ourselves with adopting a mode involving the minimum expense, namely, to shut up the fishing boxes water-tight, and to make an opening of only 7 feet by 4 feet in the top of the dam, instead of removing the whole 200 feet by 2 feet. We did not even restrict Mr. Surtees to that small alteration, but, inasmuch as this matter was merely a corollary to the judgment on the merits, namely, that the fishing part of the dam was illegal, and what followed was matter of mere detail, we gave him an option, as we had a right to do, to substitute for what we specified as the minimum, any other way of arriving at substantially the same result as he might propose and which we might approve.

Mr. Surtees accordingly, "without prejudice," proposed an alternative mode of doing what we ordered, namely, instead of making the opening of 7 feet by 4, to convert one of the old fishing boxes into a means of passage for the fish. The conservators, on the other hand, were strongly opposed to this proposal, as they conceived we had not by our original order, directed an adequate alteration of the dam, and this proposed alternative was a still less efficient remedy in their view.

We, however, without in the least pressing the matter, having no compulsory power at this stage of the proceeding, advised the conservators that it would be but fair to allow Mr. Surtees to try the effect of his plan, especially as his engineer recommended it, and ultimately the conservators consented on their part that the experiment should be tried "without prejudice." The expense of this alteration could scarcely have exceeded 50*l.* When the alteration was completed the effect was not what any of the parties expected,

Appendix, No. 9.

but owing to the larger experience which had meanwhile been gained by the engineer, he has since proposed some obvious amendments, which have been examined on the spot and have received the approval of Mr. Roberts, the most experienced engineer in Ireland in these matters, as being calculated to render the experiment complete, and at all events, an equivalent to the original order, which was all that was aimed at.

It was found that this last suggested amendment would cost 100 *l.*, and the conservators very generously, in consideration of the expense already incurred by Mr. Surtees, offered to pay 50 *l.* of the sum so as to complete the experiment without delay. But Mr. Surtees having been by that time probably misled by third parties, has, with unexpected persistency, refused to finish the work which he had commenced (as the Commissioners entirely believed at the time) with perfect *bona fides*. The consequence has been that he has not only allowed a whole year to pass and has done nothing further, but as far as appears he has now resolved to take his stand at this point and go no further in either direction. While the notice of appeal stands we cannot enforce anything; while he refuses to complete his experiment at the small additional outlay required, the conservators and the public are kept out of their rights. He, in fact, insists at the present moment on the right to destroy his neighbour's property and interests to the extent of 2,000 *l.* a year, though his own interest in the fishing boxes was worth less than 100 *l.* a year, and that interest according to the decision was altogether illegal. Moreover, everyone practically acquainted with the subject ought to know that though his fishing boxes may be extinguished, the other part of his fishery must, nevertheless, by the proposed alterations be enhanced in value to an amount far exceeding his apparent loss.

In these circumstances it became our duty to consider whether the statute ought to be nullified, and the property of third parties sacrificed by this unjustifiable conduct of Mr. Surtees, who, unfortunately, still entirely ignores the rights of others, while he defends his own. As, therefore, he had not carried out his first professions, the only course for us was to give him notice that since, after full opportunity, he had declined to do what he had professed, the only alternative now was that he should be required to go on with his appeal. The entering into a recognizance is a mere formal matter which the statute prescribes, and over which we have no control one way or the other. But until the appeal is got rid of our hands are tied, and the conservators' and all other interests are sacrificed, and things must remain in a dead lock for ever. If he will go on with the appeal the result will show whether we were right or wrong. If wrong, he will be no worse off than he was at first; if right, and nothing has since occurred in any way to show that we were not right, then we will be able to work out our own jurisdiction in the usual way. But the consequence of the appeal being decided against Mr. Surtees will not necessarily be as he represents, namely, to cause the opening in the centre of his dam of seven feet by four feet to be made; his insinuation that he has already made an opening being also entirely unfounded, for all that he has hitherto done was merely to convert, by a slight alteration, an existing opening at another place to a similar purpose. If our judgment on the merits, and our consequential jurisdiction, are sustained, the result will be merely that we can then finish the work which Mr. Surtees now, without any justification, refuses to finish, and which, so long as the notice of appeal is not abandoned, he stops us and everybody else from doing.

From what precedes we need scarcely observe how unfounded the insinuation is that we made some binding agreement with Mr. Surtees to accept blindly the alternative he proposed, and before the effect of it was tried, as an equivalent and complete satisfaction for our original order. Owing to the obvious unacquaintance displayed with legal proceedings, it is scarcely surprising that the erroneous notion should be entertained that a judge has power to make a bargain with one party behind the back of the other party. If the litigant parties had agreed between themselves, and we had ratified that agreement, it might have been different, but nothing of the kind occurred, nor anything approaching to it. We neither did nor intended to do so unwise and unwarrantable a thing as to bind the conservators and others against their will, or to bind ourselves by his experiment unless it succeeded. Fortunately, nearly all the transaction is in writing, and can be produced at the proper time to demonstrate this in the clearest manner.

As to the supposed expense Mr. Surtees has been put to, of that we have no knowledge, but that matter has been already, or will be, explained, and sufficiently disposed of by the Select Committee of the House of Commons. No judge, whether high or low, can possibly prevent parties from incurring needless expense in conducting their own affairs, and such insinuations as he makes are equally applicable to every court exercising jurisdiction on any given subject, and deciding against one of the parties. As to the expense of altering his mill wheel, that was in no sense referable to anything connected with this inquiry, but is an independent matter.

With regard to the decisions of the Commissioners being defended by the law officers, that matter was fully considered (after full explanations, written and oral) by Sir George Grey, and decided upon in 1866, and the form of proceeding was settled by Mr. Hannen, in conformity with his instructions. As it is our duty to decide all cases impartially, and in every respect as a court of law would do on the same materials, if those decisions which are appealed against are supported by the law officers, the Government is thereby merely seeing that complete justice is done to both sides by a final settlement of the point in dispute. There is no informer or prosecutor, in the usual sense of the term, before us, so as to be made responsible for the carrying on of the proceedings, and yet the interests of the public and of large classes of proprietors, who, without any fault of their own, have no other remedy

remedy open to them, are so largely involved that unless our decisions were so supported by the Government, the result might be to undo all the good that the Legislature had intended. It never occurred to Sir George Grey as any part of his duty, as representing the Government, that when the Legislature builds up with one hand he should take active steps to pull down with the other hand. Nor has any loss been incurred by this course up to the present time, for while the law officers have gained four cases they have lost only two, and probably one of these losses may be recovered. If, therefore, Mr. Surtees' case is to be singled out from the usual course in this respect, it must be for some reasons not connected with the merits of the case. His difficulty is entirely of his own creation, for he will neither withdraw his appeal nor carry out the order appealed against, nor the equivalent which he himself proposed in its place, and which, if now completed, might give satisfaction to all parties involved.

We may also add that the decision of the Court of Queen's Bench in Rolle *v.* Whyte, whether right or wrong, will not in any respect affect the decision of Mr. Surtees' case.

We regret to have taken up so much space with these explanations, but as this case has been entirely misrepresented the trouble may be excused. We hope that we have sufficiently shown (1) that we did not decide Mr. Surtees' case wrongly; (2) that we have never admitted, and do not in the least admit, that we did decide it wrongly; and (3) that we are not oppressing him, but, on the contrary, we would fail in our duty if, in the circumstances in which he has now put himself, we did not take steps to prevent him needlessly continuing the oppression of his neighbour's and of the public interests. If any further explanations be deemed desirable we will be ready at all times to give them.

We have, &c.
(signed) *J. Paterson.*
T. Spratt.
Henry Scott.

The Right Hon. H. A. Bruce, M.P.,
Secretary of State for the Home Department.

The Under Secretary of State, Home Department, to the Special Commissioners of English Fisheries.

Gentlemen, Whitehall, 12 January 1870.

I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 8th instant, reporting on the communication referred to you from Mr. Scott Surtees, relative to your decision in 1867, as regards the Dinsdale Fishing Mill Dam, and a notice received by him, in which you call upon him to enter into a recognizance of 100*l.* to prosecute an appeal thereon; and I am to acquaint you that Mr. Bruce has informed Mr. Surtees that he must leave the case to be decided by the Court of Queen's Bench.

I am, &c.
(signed) *A. F. O. Liddell.*

The Special Commissioners for English Fisheries,
8, Parliament-street.

Appendix, No. 10.

PAPER handed in by Mr. *T. F. Brady.*

DIAGRAMS

Appendix, No. 10.

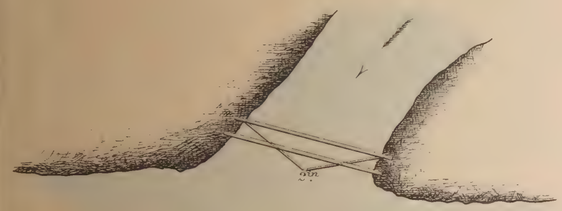
Illustrating the General Principle of Construction for Fish Guards, as required on the several Watercourses connected with Milling Premises on Salmon Streams in *Ireland*, by the Act 5 & 6 Vict. cap. 106.—(*see* opposite.)

INSPECTORS OF IRISH FISHERIES.

Diagrams Illustrating the General Principle of Construction for Fish Guards,
as required on the several Watercourses connected with Milling Premises on Salmon Streams in Ireland,
by the Act 5 & 6 Vic., cap. 106.

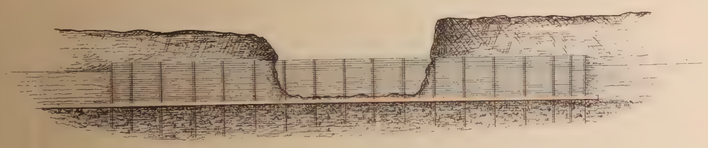
ELEVATION OF GUARD Nº 1 ON A TAIL RACE.

PLAN OF GUARD Nº 1 ON A TAIL RACE.



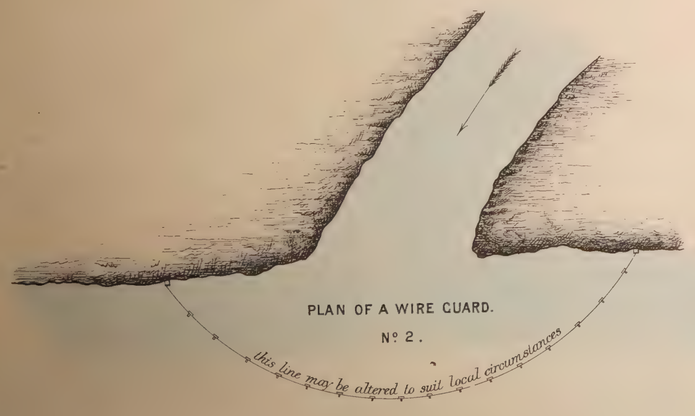
ELEVATION OF A WIRE GUARD FOR A TAIL RACE. Nº 2.

Which can be extended so as to embrace any space that may be considered necessary to prevent back-water.

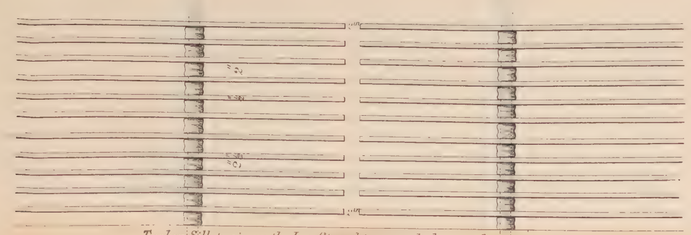


PLAN OF A WIRE GUARD.
Nº 2.

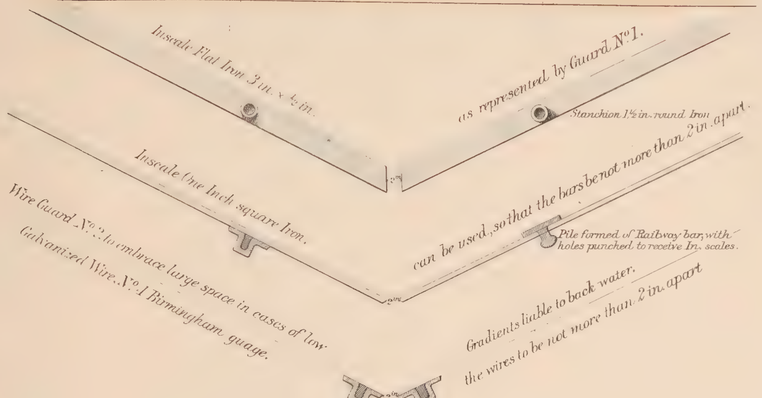
this line may be altered to suit local circumstances



GUARD Nº 1 FOR TAIL RACE.



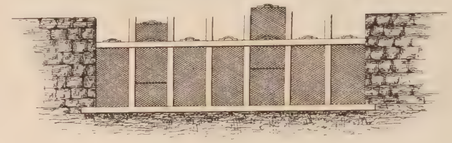
Timber Sill, to secure the Iron Stanchions, and close under grating Stone may be substituted; or anything that will be permanent.


Inscale Flat Iron 3 in. × 1 in.
as represented by Guard Nº 1.
Stanchion 1½ in. round Iron
Inscale One Inch square Iron.
can be used, so that the bars be not more than 2 in. apart
Pile formed of Railway bar, with holes punched, to receive Iron scales.
Wire Guard Nº 2 to embrace large space in cases of low
Galvanized Wire Nº 1 Birmingham guage.
Gradients liable to back water.
the wires to be not more than 2 in. apart

Piles formed of Railway Bars, with holes drilled to receive the Wire; they can be placed so close, and driven so firm in bed of stream, as to secure the wires being kept perfectly tight in their proper position.

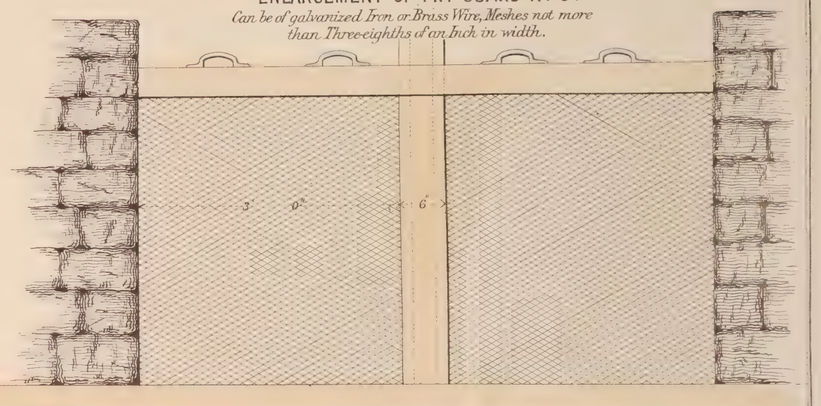
ELEVATION OF FRY GUARD ON HEAD RACE Nº 3.

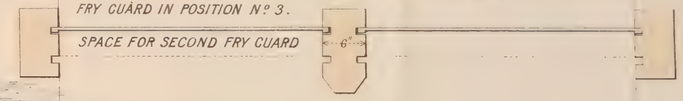
There should be two sets of sieves, so that when one set gets foul, the second could be used while cleaning the first. These will be necessary only during the months of March, April, and May, or such other periods as the Fry are descending.



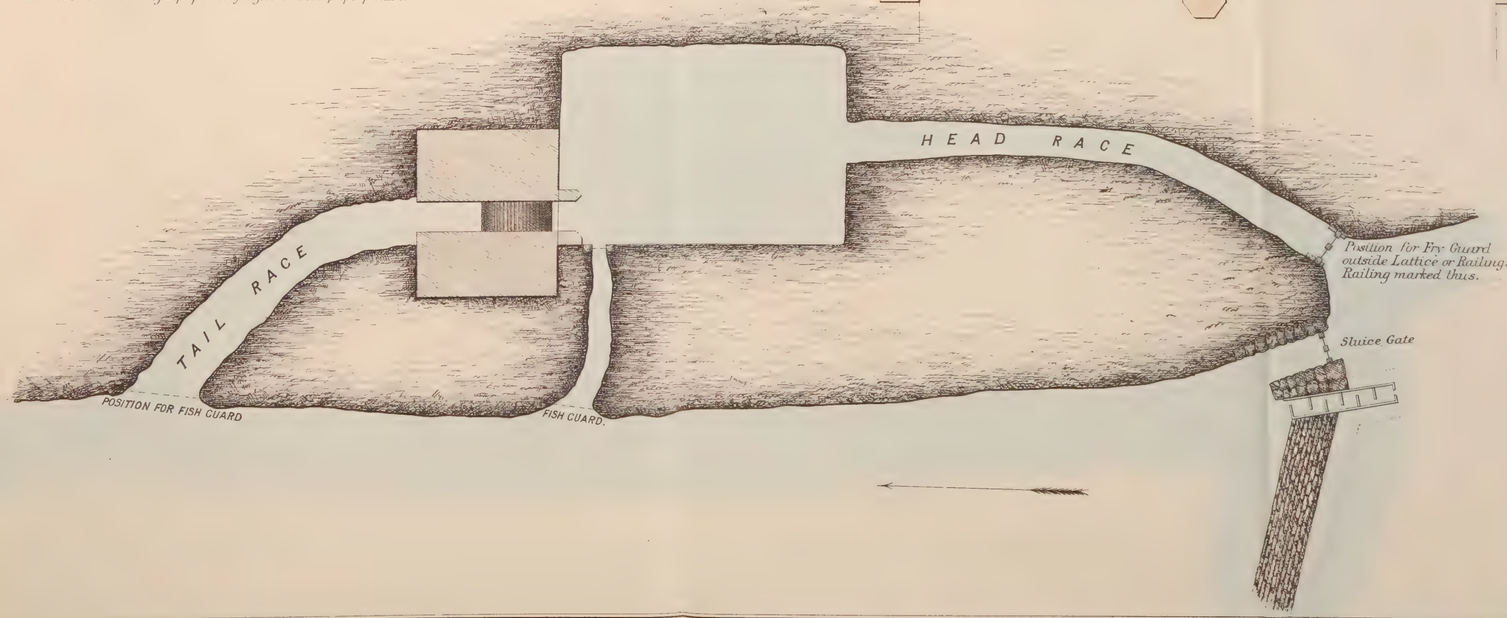
ENLARGEMENT OF FRY GUARD Nº 3.

Can be of galvanized Iron or Brass Wire, Meshes not more than Three-eighths of an Inch in width.





GENERAL DESCRIPTION OF MILL PREMISES.



ANALYSIS OF INDEX.

PHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Pages at which they may be found.

PAGE

S OF PARLIAMENT - - - - 319
, The - - - - - - - - - 319
rds of Conservators - - - - - - 321
Bye Laws - - - - - - - 325
Fishery Board or Commission - - - - 334
Lune River - - - - - - - 347
Tees Fisheries, 6 - - - - - - 360
-Laws - - - - - - - - 325
Close Time - - - - - - - 326
Nets, 2 - - - - - - - - 350

OSE TIME:
1. *Annual Close Time* - - - - - 326
2. *Weekly Close Time* - - - - - 327
3. *Nightly Close Time* - - - - - 327
Avon, The - - - - - - 319
Bye-Laws - - - - - - 325
Derwent River - - - - - - 330
Eel Fishing - - - - - - 332
Lune River - - - - - - 347
Rod Fishing - - - - - - 356
Sale of Salmon - - - - - 356
Taw and Torridge Rivers - - - 359
Tees Fisheries, 2 - - - - - 359
Teify Fisheries - - - - - 360
Towey River - - - - - - 361
Trout - - - - - - - 361
Tyne Fisheries, 9 - - - - - 364
Wye and Severn Fisheries - - - 373
mpulsory Powers - - - - - - - 328
Appeal - - - - - - - - 319
st of Fish-passes - - - - - - - 328
Rate - - - - - - - - 354

NSDALE DAM (RIVER TEES):
1. *Steps taken in order to enforce the provision of a Fish-pass; inefficiency of the latter* - - 330
2. *Suggestions for an improved Pass* - - - 331
3. *Question of buying up the Mill and Dam; effect of a removal of the latter* - - - - 331
4. *Complaint as to the Action of the Tees Fishery Board* - - - - - - - 331
5. *Practice as to Fishing at the Dam* - - 331
Tees Fisheries - - - - - - 359
ry Seasons - - - - - - - - 331
shery Board or Commission - - - - - 334

ISHWAYS OR SALMON LADDERS:
1. *Great Importance of Fish-passes in Weirs; expediency of Compulsory Powers on the Subject* - - - - - - - - 335
2. *Suggestions generally as to the Mode of Construction* - - - - - - - - 335
3. *Plan proposed by Mr. Paterson and Professor Rankine* - - - - - - - - 336
4. *Proposed Formation of Passes by the side of the Weirs* - - - - - - - - 336

PAGE

FISHWAYS OR SALMON LADDERS—continued.
5. *Number and Character of Fishways already formed* - - - - - - - - 337
6. *Practice in Ireland as to the provision of Fish-passes* - - - - - - - - 337
7. *Conclusions of the Committee* - - - 337
Ballisodare - - - - - - 320
Clitheroe Weir - - - - - 326
Cost of Fish-passes - - - - - 328
Dee River - - - - - - 330
Dinsdale Dam - - - - - - 330
Galway Weir - - - - - - 338
Gradient (Salmon Ladders) - - - 339
Portlaw - - - - - - - 353
Powick Weir - - - - - - 353
Ribble, The - - - - - - 355
Trent Fisheries - - - - - 361
Valves or Sluices - - - - - 364
Wharfe, Derwent, &c. - - - - 370
Gratings (Mill Races) - - - - - - 339

HANG NETS:
1. *Evidence in condemnation of Hang Nets, as in the Tyne and Tees* - - - - - - 341
2. *Evidence in defence of Hang Net Fishing* - 342
3. *Different License required for the Hang Net and for the Draft Net* - - - - - 342
Tyne Fisheries, 5, 6 - - - - - - 363
Inquiry (Legality of Weirs) - - - - - 343
Special Commissioners - - - - 357
Inspectors of Fisheries - - - - - - 344
Fishery Board or Commission - - - 334
Ireland - - - - - - - - - - 344
Boards of Conservators - - - - - 321
Fishways, &c., 6 - - - - - - 337
Gratings (Mill Races) - - - - - 339
Weirs, &c., 3 - - - - - - - 369
License Duties - - - - - - - - 345
Rate - - - - - - - - - 354
Rod Fishing - - - - - - - - 356

NETS:
1. *Restrictions suggested as to the Use of Nets* - 350
2. *Suggestions as to the Size of the Mesh; Question of restricting the Size by means of Bye-laws* - - - - - - - - - 350
3. *Proposed Marking of Nets* - - - - 351
4. *Extent of Net Fishing in England* - - 351
5. *Conclusions of the Committee* - - - 351
Bye-Laws - - - - - - - 325
Draft Nets - - - - - - - 331
Fixed Engines - - - - - - 337
Hang Nets - - - - - - - 341
License Duties - - - - - - 345
Ribble, The - - - - - - 355
Stake Nets - - - - - - - 357
Stop Nets - - - - - - - - 357

PAGE

Nets—continued.

Tyne Fisheries, 5. 6. - - - - - 363
Wye and Severn Fisheries - - - - 373

Poaching - - - - - - - - - 353
Coast Guard - - - - - - - - 328
Penalties - - - - - - - - 352
Police - - - - - - - - 353
Water Bailiffs - - - - - - - - 368

Purchase of Mill Dams - - - - - - 353

Radnorshire - - - - - - - - - 354

Rate - - - - - - - - - - 354

Rod Fishing - - - - - - - - - 356

Special Commissioners - - - - - - 357
Appeal - - - - - - - - - 319
Fishery Board or Commission - - - - 334

Tees Fisheries:

1. *Condition of the Salmon Fisheries* - - - 359
2. *Close Time* - - - - - - - - 359
3. *Poaching* - - - - - - - - 359
4. *Nets* - - - - - - - - - 359
5. *Conflicting Interests on the River* - - - 360
6. *Exceptions taken to the Constitution and Action of the Tees Fishery Board* - - - 360

Dinsdale Dam - - - - - - - 330

Teify Fisheries - - - - - - - - 360
Trent Fisheries - - - - - - - - 361
Trout - - - - - - - - - - 361

Tyne Fisheries:

1. *Date of Creation, and Limits, of the Tyne Fishery District* - - - - - - 362
2. *Condition of the Fisheries in the River and the Estuary* - - - - - - - - - 362
3. *Effect of the Removal of the Bywell Dam* - 362

P.

Tyne Fisheries—continued.

4. *Effect of Pollutions in the River* - - -
5. *Hang Nets, as used by the Cullercoats Fishermen; Question as to their Prohibition* - -
6. *Suggested Permission to anchor or fix the Nets* -
7. *Constitution and Action of the Tyne Fishery Board* - - - - - - - -
8. *Question of Funds for the Improvement and Protection of the River* - - - - - -
9. *Suggestions generally for the Improvement of the Fisheries* - - - - - - - -

Hang Nets - - - - - - -

Water Bailiffs - - - - - - - -

Weirs or Mill Dams:

1. *As to Inquiry into the Legality of Weirs* -
2. *As to Compulsory Purchase* - - - - -
3. *As to the Prohibition of Fishing in the Vicinity of Weirs* - - - - - - - -
4. *As to the Obstruction caused by Weirs* - -
5. *As to the Removal of Abandoned Weirs* - -

Avon, The - - - - - - -
Dee River - - - - - - -
Dinsdale Dam - - - - - - -
Exe River - - - - - - -
Fishways, &c. - - - - - - -
Lune River - - - - - - -
Purchase of Mill-Dams - - - - -
Special Commissioners - - - - -
Topcliffe Weir - - - - - - -
Trent Fisheries - - - - - - -
Wharfe, Derwent, &c. - - - - -
Wye and Severn Fisheries - - - - 3

Wye and Severn Fisheries - - - - - 3
Sheep Washing - - - - - - 3

INDEX.

[*N.B* —In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.*, to the Pages in the Appendix; and the *Numerals* following *Rep.*, to the Pages in the Report.]

A.

ACCOUNTS (BOARDS OF CONSERVATORS). Practice as to audit by the county of the accounts of the Lune Fishery Board, facility being given for the inspection of the accounts, *Fenwick* 1228-1233——Suggested publication of the accounts of boards of conservators generally, *Fenwick* 1234; *Harris* 6903–6909; *Surtees* 7254-7261.

Acts of Parliament. Conclusion that since the Act of 1861 the salmon fisheries of England have more than doubled in value, *Walpole* 8-27——Several causes, under the Act of 1861, to which the improvement of the fisheries is owing, *ib.* 30–33——Belief as to certain old statutes not being applicable to non-navigable rivers, *ib.* 111, 112——Exception taken to certain conclusions laid down by Mr. Paterson as to some old statutes being applicable to all weirs, *ib.* 114–116——Suggested consolidation of Acts in England and Scotland, *ib.* 461-464——Necessity of a lapse of three or four years before the benefits of the Act of 1865 could be tested, *ib.* 702, 703.

Importance of an amendment of the Acts of 1861 and 1865 on the subject of dams and weirs, *Fane* 756-758——Opinion as to the unduly limited powers under the Salmon Acts for the protection of the fisheries, *Fenwick* 991–995——Suggestions for the amendment of sections 24 and 26 of the Act of 1861, *Willis-Bund* 3299–3304.

Conclusion of the Committee as to the necessity of an amendment of the fishery laws in many particulars, *Rep.* iv. vi.

Appeal. Want of a further appeal from the Special Commissioners, as to the Court of Exchequer Chamber, *Willis-Bund* 3344-3349——Suggestion that as regards compulsory interference with mill dams, there be an appeal to a judge in chambers, *Brady* 8086–8092.

Memorial to the Treasury by the Rev. S. F. Surtees, submitting objections to Treasury expenditure in the matter of appeals from the decisions of the Special Commissioners, *App.* 302.

See also *Bye-laws.*

Armathwaite. Reference to the dam at Armathwaite as enabling the salmon to go up when there is a moderate fresh, *Walpole* 648-652.

Artificial Breeding. Expediency of restrictions upon the removal of salmon ova for artificial propagation, *Willis-Bund* 3240-3242. 3350-3353. 3459——Great importance attached to artificial breeding, *Garnett* 7843, 7844.

Ascent of Rivers. Exceptional instances of salmon ascending passes when the water is low, *Bateman* 2753–2757——Statement as to salmon never ascending the rivers or weirs unless there is a fresh, *Garnett* 7801, 7802. 7842——Frequent ascent of the weirs by the salmon without there being a fresh in the rivers; difficulty of accounting for the movements of the fish in this respect, *Brady* 8344–8354.

Avon, The. Peculiar and objectionable form of weir in operation upon the Avon in Hampshire, *Walpole* 85——Abuse in the practice of draught-net fishing in the Avon at Christchurch, *ib.* 317——Restriction desirable as regards net fishing in the Avon and Stour, in order that free gaps in the weirs may permanently increase the supply, *ib.* 694–698.

Particulars relative to several mill weirs and fishing dams on the Avon which offer great obstructions to the passage of the salmon, the Knapp weir and the Ringwood weir being

Report, 1870—*continued.*

Avon, The—continued.

being especially objectionable, *Fane* 759 *et seq.*——Anxiety of witness for a local inquiry by the Special Commissioners into the stoppages on the Avon, in order to determine the question of legality, *ib.* 763-767. 773. 802-805. 899-903. 947-949——Very valuable character of the salmon fishery at the mouth of the Avon, whilst above the Knapp weir it is of very little value, *ib.* 771, 772. 781. 911——Inefficiency of the passes on the Knapp and Winckton weirs, *ib.* 776-788. 792.

Value of the Knapp weir and of the fishing immediately below; difficulty as to a purchase of the weir, *Fane* 789-801. 815-818——Considerable damage done to meadow lands by the Winckton weir, *ib.* 809-814——Valuable interest involved in the Ringwood weir, *ib.* 823, 824. 830——Inefficient pass constructed in this weir out of voluntary subscriptions, *ib.* 825-829——Facility of making an efficient pass, but for the difficulty as to funds; explanation hereon relative to a model pass proposed by Mr. Buckland, *ib.* 831-843. 928-931.

Necessity of dealing with the weirs on the Avon before the fisheries in the river can be improved, *Fane* 848-853——Information relative to the licenses for net fishing in the estuary and in the river respectively, *ib.* 854-858. 969-973——Alteration suggested in the weekly close time on the Avon, *ib.* 875, 876. 911-916——Proposal that the close time be longer in the lower than the upper parts of the river, *ib.* 875. 911-916.

Objectionable manner in which the nets are shot in the Avon; difficulty in applying a remedy, *Fane* 882-888. 917-919——Satisfactory working of the Avon Board of Conservators; small attendance at the meetings of the board, *ib.* 893-896. 920-924. 932. 933. 954-956. 980-983——Belief as to the Avon and Stour fisheries having improved since 1868; causes to which attributable, *ib.* 939-942.

Axe, River. Satisfactory constitution of the Axe Board of Conservators, *Hallett* 4136-4140——Statement of the income of the board, and the mode in which expended, *ib.* 4141-4144. 4230-4233——Great improvement of the salmon fishery in the river since the Act of 1861; much greater improvement but for the weirs, *ib.* 4145-4166——There are three weirs on the river, and they all prevent the passage of the salmon, *ib.* 4147-4166.

Particulars relative to the weir near Axminster, the great obstacle thereby to the ascent of the fish, and the difficulty of making a proper pass in the weir through fear of damaging or destroying it, *Hallett* 4148-4165. 4176, 4177. 4244. 4247, 4248——Uselessness of a ladder placed on the Axminster weir, and approved by Mr. Eden and Mr. Ffennell, *ib.* 4148.

Evidence as to the want of a very late close season for the Axe, *Hallett* 4178-4195. 4221, 4222——Objection to rating the owners of several fisheries in the Axe, *ib.* 4234-4238——Steps taken by witness for ascertaining the temperature of the Axe at different points, with reference to the ascent of the fish, *ib.* 4249-4254.

B.

Ballincollig (River Lee). Very efficient pass at Ballincollig on the Lee, without the slightest injury to the powder-mill weir in which it is made; particulars hereon, *Gray* 3051-3056. 3074-3110. 3152. 3172-3174.

Ballisodare (Sligo). Sundry particulars relative to the Ballisodare fish pass; its very successful operation, *Roberts* 2840-2842. 2880-2892. 2896-2908. 2997-3002——Doubt as to the increase of salmon in the river above Ballisodare having led to any diminution of trout, *ib.* 2997-3002——Erection of the Ballisodare pass in 1851 or 1852; description of this pass, its operation having been most successful, *Brady* 7917. 7935-7941.

Barren Fish. Statement as to barren fish frequenting the upper waters, *Brady* 8262. 8291-8294.

Bateman, John Frederic. (Analysis of his Evidence.)—Has had large experience as a hydraulic engineer, and has constructed many weirs and some fish passes, 2584-2591——Description of the pass made by Mr. Smith, of Deanston, at the Deanston weir upon the Teith; its success, 2591-2594——Consideration in detail of the plan proposed by Mr. Paterson and Professor Rankine, for making a notch or inlet, about two feet wide and two feet deep, in each weir, and for placing along the crest of the weir a compensating bar of wood or iron; objections to which open, save where there is surplus water, or in times of flood, 2595 *et seq.*; 2699-2707.

Explanations and suggestions relative to the construction of self-acting valves for passes in weirs; these may be provided in numerous instances with very great advantage, 2614-2625. 2722-2727. 2746-2750——Danger of injury to many dams by making a notch or opening in them; in the great majority of cases injury need not arise, 2626-2635——Approval of compulsory powers for the construction of fish passes and the purchase of weirs, 2635-2638. 2709-2711. 2761-2776.

Report, 1870—*continued.*

Bateman, John Frederic—continued.

Importance of the erection of gratings at the head and tail races of mills, 2639—— Destructive turbine some years ago on the river Lea, near Cork; necessary use of gratings since that period for keeping the small fish away from turbines, 2639. 2683-2689——Difficulties in regard to gratings at mill races, on account of their liability to be blocked up, or chocked with leaves, weeds, &c.; suggestions as to the best form of construction of such gratings, 2642-2648. 2695-2698. 2712-2718. 2728——Any extra expense in cleaning the proposed gratings should fall upon the fisheries, 2646.

Particulars relative to certain fish passes constructed by witness, under the Glasgow Waterworks Act, in order to enable the salmon to pass into Loch Vennacher and Loch Katrine; alterations contemplated in these passes, 2650-2681. 2719-2721——Instances of salmon ascending a gradient of one in six, 2665-2667——Grounds for preferring the ladder system to the pool system in the construction of salmon passes, 2668-2671. 2736-2738. 2758.

Conclusion as to the impracticability of taking water for fish passes at weirs, unless it be surplus water, without injuring the milling powers, 2690-2693——Varying practice as to mills on salmon rivers working day and night, 2694——Suggestions for the construction of salmon ladders, so as to obviate the effect of a great velocity of the water, 2705-2707——Necessity of meeting the difficulty which arises through the weirs not being of a sufficiently gentle inclination, 2708.

Important advantages of fish passes constructed by the side of weirs, rather than in the weirs; undue expense in some cases, 2729-2742——Absence of increased velocity by narrowing the orifice of a gap, 2743-2745——Exceptional instances of salmon ascending passes when the water is low, 2753-2757.

Approval of power to acquire land adjoining weirs in order to carry out the construction of fish passes, 2759, 2760——Expediency in certain cases of a public inquiry before boards of conservators take compulsory action in the acquisition of mill-dams, 2765-2776.

Beating Net. Information relative to the use of the beating net in the Wye; doubt as to its being used at night, *Miller* 4900-4923.

Bill of 1869. Entire dissent from the view that the Bill of last Session contained no valuable provisions, *Walpole* 475, 476; *Willis-Bund* 3403-3405. 3432, 3433——Decided approval of many of the provisions of the Government Bill of last Session; amendments or additions proposed by the Tyne Fishery Board, *Cuthbert* 2262-2270. 2368, 2369. 2393. 2410, 2411——Doubt as to the Government Bill of last Session having contained very valuable provisions, *Hallett* 4225-4229——Approval of the Bill of last Session, and of the principle of gradual legislation, *Dunbar* 5342-5345.

Board of Trade. Suggestion by the Committee whether it would not be better that jurisdiction should be transferred from the Home Office to the Board of Trade, *Rep.* iv.

Boards of Conservators:

Evidence in detail relative to the constitution of Boards of Conservators, and the amendments desirable, *Walpole* 333 *et seq.*——The Boards should be made representative, and should be elected by the persons interested in the rivers, *ib.* 337, 338. 444. 481——The three interests to be represented are the riparian owners, the owners of several fisheries, and the license-holders, *ib.* 340, 341.

Details in further elucidation of the suggestions of witness for the election of Boards of Conservators; memorandum on the subject, *Walpole* 443-450. 480-482——Grounds for objecting to a similar constitution of Boards of Conservators in England, as in Ireland, or Scotland, *ib.* 497-506——Consideration of certain objections to witness's plan of election of conservators; dissent from the view that an undue power would belong to the owners of several fisheries, *ib.* 531-555.

Want of some tribunal to which local boards could constantly refer; how it might be constituted, *Fenwick* 1072-1086. 1116. 1186-1189. 1196-1199. 1206-1208——Doubt as to any necessity for a different constitution of Boards of Conservators, if empowered to make bye-laws, *Cuthbert* 2372-2378——Particulars relative to the constitution of the Severn Board of Conservators; detailed suggestions hereon in favour of the Severn Board, and of boards generally being formed on the representative or elective principle, *Willis-Bund* 3307-3323. 3407-3409. 3476, 3477. 3491-3496. 3557-3585——Expediency of Boards of Conservators being constituted on the representative system if entrusted with the power of making bye-laws, *ib.* 3557-3559.

Suggestions in regard to license holders being represented on the local boards, *Lloyd* 4513-4518; *Wilson* 6204-6214; *Hale* 6419-6423——Exception taken to the constitution of Boards of Conservators, on the ground that the lower fisheries are not adequately represented; particulars hereon as to the constitution, and working of the Wye Board,

Report, 1870—*continued.*

Boards of Conservators—continued.

Miller 4736-4740. 4932-4936. 4984-4997. 5053-5073. 5146-5162——Satisfaction expressed with the present mode of constitution of Boards of Conservators, *Dunbar* 5402-5405.

Suggestions for an improved constitution of Boards of Conservators; proposal that the boards consist of a much smaller number of members, and that these be elected by the different interests in the river, *Surtees* 7221-7235. 7406-7413. 7489-7493. 7565, 7566——Question considered as to the sources of income of Boards of Conservators, irrespectively of license duties, *ib.* 7521-7528——Suggestion that Boards of Conservators be elected by the riparian owners, and the licensees, *Garnett* 7803-7806. 7859-7861.

Statement relative to the election of Boards of Conservators in Ireland; very satisfactory working of this system, *Brady* 8118-8127——Paper showing the regulations in force in Ireland for the election of conservators, *App.* 304, 305.

Paper submitted by Mr. Paterson, containing suggestions in detail relative to the election of Boards of Conservators, *App.* 308.

Views of the Committee as to the extended powers desirable to be vested in the local boards, *Rep.* iv, v——Suggestion that, before being vested with increased powers, the boards be constituted on the elective principle; how this may be effected, *ib.* iv——Almost all the necessary powers would be contained under a general authority to make bye-laws, *ib.* v.

See also *Bye-laws. Fishery Board or Commission. Lune River. Tees Fisheries,* 6.

Boats. Approval of its being compulsory to mark or number all boats used in salmon fishing, *Walpole* 412-416; *List* 2459-2465; *Walkey* 3976; *Lloyd* 4572, 4573; *Miller* 4765, 4766. 4983; *Dunbar* 5301, 5302; *Rep.* v——Proposal that boats be marked and registered, and that they pay the same license as nets, *Cuthbert* 2206. 2221, 2222.

Bolam, Thomas. (Analysis of his Evidence.)—Resides at Cullercoats; has been engaged in sea fishing for many years, 5944-5948——Concurs generally in the evidence of Mr. Leslie, 5949-5953——Excellent quality of the cod taken near Cullercoats, 5954-5956——Very rare instances of unclean salmon being taken in the hang nets, 5957-5959. 5991-5994. 6024-6028——Similar price fetched by the fish taken in the hang nets, and by those taken in the draught nets, 5960-5966. 6057-6060——Use by witness of nets about 400 yards long; he has never used a longer net than 550 yards, 5967-5969.

Statement to the effect that the bad season in the Tyne in 1869 was owing to the dry weather, and to the alkali works, rather than to excessive net fishing in the sea in 1868; 5970-5990——Objection to the constitution of the Tyne Fishery Board, on the ground that the sea fishermen are not fairly represented, 5995-6001. 6029, 6030. 6052-6054——Disapproval of a power in the Tyne Board to make bye-laws, 6002-6018. 6029-6032. 6054-6056.

Advantage of an increased number of fish getting to the spawning grounds, for the sake both of the upper and lower fisheries, 6019-6023——Doubt as to many salmon being taken up the river, 6019, 6020. 6040, 6041——Great benefit to the sea fishermen if allowed to fix their nets, 6036——Large increase in the number of boats and men employed in the Tyne sea fisheries, 6038, 6039. 6049-6051——Very small earnings of witness and his men, 6042-6046——Use of hang nets for salmon fishing only since 1867, though previously used for trout, &c., 6047, 6048.

Brady, Thomas Francis. (Analysis of his Evidence.)—Is an Inspector of Irish fisheries, and is secretary to the Special Commissioners for the English fisheries: has had many years official experience, 7862-7870——Different persons of whom the commission of Irish fisheries, and the commission of English fisheries, have consisted, 7871-7874——Statement as to witness having proposed, some years since, that there should be but one commission for England, Ireland and Scotland: suggestions to a similar effect made by the commissioners for Irish fisheries in 1835 and 1853; 7875-7882.

Very full powers now possessed by the inspectors of Irish fisheries, of whom there are three: transfer to them of the powers of the former commission, 7883-7889——Extensive powers of the inspectors under the 91st section of the Act 5 & 6 Vict. c. 106, in regard to the making of bye-laws, 7888, 7889. 8043-8051——Reference to a certain book compiled by witness, as containing all the enactments on the subject of the Irish fisheries, an abstract of the bye-laws, an account of the license duties, close seasons, &c., 7890-7896.

Very satisfactory working of the present system for administering the Irish fisheries, 7897——Expediency of but one board for the three kingdoms: strong opinion of Mr. Eden to this effect, 7898-7900——Full powers of the commissioners in Ireland as to the making of fish passes in mill-dams: mode of procedure in the matter, 7901-7912——Particulars relative to several fish passes in Ireland, showing the mode of construction in each case; very successful operation of these, 7913. 7917 *et seq.*

Information

Report, 1870—*continued.*

Brady, Thomas Francis. (Analysis of his Evidence)—*continued.*

Information on the subject of the Deanston Pass, on the River Teith, as adopted many years ago by Mr. Smith, of Deanston; great facility thereby to the ascent of the fish, without injury to the milling power, 7914-7916——Erection of the Ballisodare Pass in 1851 or 1852; description of this pass, its operation having been most successful, 7917. 7935-7941——Great success of the pass at Portlaw as erected by Mr. Malcomson, this having been the first pass in Ireland, 7917-7934.

Belief that in the case of every pass in Ireland, a notch has been cut in the crest of the weir; this has been done without injury to the weir in any case; sundry instances of this, 7942-7964——Primary importance of the making of fish passes, as a means of development of the salmon fisheries: this has frequently been insisted on by the Irish commissioners, 7965-7971——Conclusion that compulsory passes should be made in weirs in England, on the same principle that free gaps have been enforced in weirs in Ireland: belief that this may be done without injury to the mills, 7972 *et seq.*

Circumstances under which the cost of passes should be borne, respectively, by the fishing interest and by the mill interest, 7973-7977——Statement in explanation and approval of a self-acting sluice, as designed by Mr. Charles Meyrick, 7983-7994——Facility of working hand-sluices, 7995, 7996——Successful adoption in America of the Irish plan of fish pass, 7997, 7998.

Explanation on the subject of fishing mill-dams in Ireland, and the measures necessary for meeting the obstructions in such cases, 7999-8007——Declaration by the Special Commissioners as to the illegality of the Dinsdale fishing mill-dam; judgment was not enforced in order to enable the owner to provide a pass, but this has proved an utter failure, 8008-8019——Inaccuracy of the view that weirs are destructive of salmon rivers: with proper passes they are useful rather than otherwise, 8020-8022.

Necessity of bye-laws in order to suit the different circumstances of different rivers, 8023-8026——Local inquiry in Ireland before bye-laws are made, evidence on oath being taken on both sides, and there being an appeal to the Privy Council: salutary working of this system, 8027-8033. 8043-8051——Suggestion that in England, as in Ireland, applications for bye-laws be made by the local fishery boards, and that there be an inquiry on oath, and a right of appeal to a judge in chambers, 8027-8029. 8034-8042.

Advantage, in the case of the Tyne, of a power to restrict the use of very long nets, subject to appeal, 8049-8052——Probable cause of the large diminution of net fishing in the Tyne, 8052, 8053——Expediency of the close season in different rivers being regulated by bye-laws, 8054-8057——Expediency of an appeal from the governing body, in the case of each bye-law, 8058——Impossibility of accounting for the difference of season in different rivers, 8059-8068——Approval of the same weekly close time in England as in Ireland, 8069-8072.

[Second Examination.]—Situation of the Deanston Fish Pass on the Teith, near Perth, 8073——Form of fish pass in Ireland further adverted to, it having been designed by Mr. Forsyth; faulty alterations of Mr. Forsyth's plan, in applying it in England, 8074. 8274——Details showing that immense numbers of salmon have ascended the passes at Collooney and Ballisodare, 8074. 8078——Reference to two contracts for the construction of passes, an undertaking being given in each case not to injure the weir, 8075-8077——Practice in regard to surveys, there being a responsible engineer as well as a responsible contractor in each case, 8079, 8080.

Recognition by the Royal Commission on English Salmon Fisheries in 1860 of the importance of the Irish system of administration, 8081——England is in fact far behind Ireland with regard to salmon fishery legislation, 8082——Opinion that the passes should be made at the expense of the mill-owners where the weirs have been erected or enhanced within the last twenty years, 8083. 8316-8318——Further evidence in favour of one board for managing all the fisheries of England, Ireland, and Scotland; suggestions hereon as to the constitution of this board, and as to the authority to which responsible, 8084, 8085. 8181-8184. 8211-8223.

Suggestion that as regards compulsory interference with mill-dams, there be an appeal to a judge in chambers, 8086-8092——Information on the subject of license duties in Ireland; great improvement in England if a similar system were adopted, 8093-8101——Increased license suggested for long nets, such as sweepers, 8102-8105——System of rating the Irish fisheries according to their valuation; advantage of a similar plan in England, 8106-8110. 8224-8226.

Advantage of the power of water-bailiffs in Ireland to traverse the banks of rivers, 8111-8113. 8266-8268——Objection to a right of search in water-bailiffs, 8114, 8115——Approval of minimum penalties, and of imprisonment after a second or third offence, 8116, 8117——Statement relative to the election of boards of conservators in Ireland by the license payers, there being also some *ex officio* conservators; very satisfactory working of this system, 8118-8127.

Practice in Ireland as to the prohibition of fishing in all mill premises, and within a certain distance of mill-dams; suggestion hereon as regards mill-dams in England, 8128-8134.

Report, 1870—*continued.*

Brady, Thomas Francis. (Analysis of his Evidence)—*continued.*

8134. 8269-8271. 8298——Approval of a prohibition upon the use of moveable engines within half-a-mile, and of fixed engines within a mile, of the mouths of rivers in England, as in Ireland, 8135–8139. 8272——Suggested prohibition in England, as in Ireland, upon net fishing in fresh waters between eight at night and six in the morning, 8140–8146. 8172–8174.

Details relative to the course pursued as regards gratings to mill races in Ireland; suggestions hereon as to the mode of construction of the gratings, 8147–8159. 8330–8334——Grounds for dissenting from certain calculations of Mr. Walpole as to the value of the salmon fisheries, and the earnings of the men employed, 8160–8169——Want of power on the subject of bye-laws in England further adverted to, 8170–8179.

Advantage if trout fishing in salmon rivers could be prohibited during the descent of the salmon fry; belief that in Ireland this would not create an outcry, 8179, 8180. 8227–8230. 8247–8251——Statement showing the amount of work done by the Special Commissioners in England, there being about an equal number of cases still to be inquired into, 8185–8195——Extension of powers desirable in the Special Commissioners, so that they may have the same powers as the Irish Commissioners, 8196–8199.

Explanation as to the practice of the Special Commissioners in issuing blank forms of summonses to parties applying for them, 8200–8202——Great care necessary in preparing the certificates or orders issued after cases are decided, 8203——Important decision in Scotland, by a majority of four judges against three, that the Commissioners had power to compel the erection of gratings and fish passes in certain cases, 8204-8208.

Advantage if there were a similar system in England as in Ireland in regard to the division of the country into fishery districts, 8209, 8210——The inspectors should be responsible to the board, 8221——Very little pollution of the Irish rivers, 8231——Doubt as to the greater productiveness of the Irish than the English rivers being due to any superior natural advantages of the former, 8232-8234.

Varying periods at which the inspectors in Ireland visit the different rivers, 8235-8237——Legal provision against millers or others obstructing any water-bailiff or officer in carrying out the laws, 8238, 8239——Salutary effect of the co-operation of upper and lower proprietors in Ireland, 8240–8243——Approval of an increased license duty upon nets in some districts, 8244-8246——Advantage of increasing the rod license to 20*s.*, 8246, 8247. 8265.

Expediency of fines or rewards going to the police for the detection of poaching, 8252, 8253. 8277–8283——Advantage of aid from the coast-guard for the protection of the tidal fisheries, 8254, 8255——Condition of the fish at different periods with reference to spawning, 8256-8262. 8284-8290——Statement as to barren fish frequenting the upper waters, 8262. 8291–8294——Objection to any special advantage being given to the upper proprietors as regards rod fishing, 8263-8265.

Decision by the inspectors in Ireland whether the objections made by millers to fish passes are frivolous, 8273——Opinion that the same form of pass may be applied to all rivers, 8276——Advantage of prohibiting the use of the gaff as much as possible, 8295, 8296——Approval of the size of the mesh of the net being limited to 1-inch from knot to knot, 8299-8302.

Explanation as to the proposed action of the governing body or central board, before deciding whether the fishing interest or the milling interest is to give way, 8306–8311——Appointment of water bailiffs in Ireland by boards of conservators or by fishery proprietors, 8312, 8313——Valuable assistance rendered by the constabulary in the preservation of the fisheries, 8314——Non-interference of boards of conservators in the construction of fish passes, 8315.

Inquiry by the Irish Special Commission into the legality of certain fishing engines 8319–8323——Single instance of inquiry by the Commission into the legality of a mill-dam, 8324, 8325——Application by a large proportion of the milling interest to be exempted from the provisions as to gratings, 8326-8329——Satisfactory working of the Portlaw Fish Pass further adverted to, 8336-8344.

Frequent ascent of the weirs by the salmon without there being a fresh in the rivers; difficulty of accounting for the movements of the fish in this respect, 8344–8354——Contemplated option in the miller to use a self-acting valve or a hand sluice, 8355-8359——Objection to a large mesh in some districts as preventing the capture of sea and river trout, 8360, 8361——Great variety of close seasons for different rivers in Ireland, 8362, 8363——Advantage of a varying close season, whilst there is but little facility offered thereby to poaching, 8364–8367.

Further approval of a prohibition upon trout fishing during the migration of the salmon fry, 8368-8371——Satisfactory restriction upon eel fishing in Ireland, 8374-8380——Suggested prohibition of netting in fresh water by riparian owners, if they have not already exercised the right, 8381-8388.

Brady, Mr. Summary of recommendations made by Mr. Brady, *App.* 309, 310.

Report, 1870—*continued.*

Brushwood Weirs. Advantage if stone weirs were substituted for brushwood weirs, as in North Devon, *Walkey* 4125.

Buckland, Frank. (Analysis of his Evidence.)—Attaches considerable importance to the proposal for ascertaining information as to the temperature of the different salmon rivers, 4255–4259.

[Second Examination.]—Produces a cast of a salmon of twenty-three lbs. recently caught in the Thames; cannot say that this was a Thames-bred fish, 5179.

Bull Trout. Great increase of bull trout in many rivers, to the great destruction of salmon; advantage on this score of varying the close season, *Walpole* 238-242—— Salmon and bull trout are not supposed to exist together, *ib.* 241——Expediency as regards bull trout, of power to modify the size of the mesh of the net in certain cases, *ib.* 293–295 —— Advantage if persons were paid for destroying bull trout, *ib.* 516, 517.

Further statement as to bull trout and salmon not existing together, the latter being exterminated by the former, *Walpole* 741–747——The two fish struggle against each other for existence, and the salmon usually go to the wall, *ib.* 741, 742——Suggestions relative to the size of the mesh of nets, with a view to the destruction of the bull trout, *Dunbar* 5293–5298——Great destruction of salmon spawn by the bull trout, *ib.* 5294. 5298.

Bye-Laws:

Concurrence of evidence in favour of power in local boards to make bye-laws relative to nets, close time, &c., subject to the approval of a central authority, such as the Home Office, *Walpole* 200. 210, 211. 223–236. 300–303. 479. 492–496. 531–538; *Fane* 904, 905. 934, 935. 957; *Fenwick* 1063–1072. 1117, 1118. 1196; *Phillips* 1754–1757; *Cuthbert* 2215–2217. 2225–2228. 2259–2261. 2269, 2270. 2331–2333; *Willis-Bund* 3357–3359. 3366–3368. 3395. 3405, 3406. 3434, 3435. 3452. 3497–3501; *Walkey* 3988–3999; *Hallett* 4196–4200; *Dunbar* 5201–5211. 5238–5247; *Hall* 6419. 6424, 6425.

Evidence in favour of bye-laws relative to close time, licenses, &c., being prepared by the local boards, and being confirmed by the Special Commissioners, who should hold a court for the purpose, *Hutton* 1357–1363. 1412–1417. 1463. 1486, 1487. 1524–1529—— Importance of a power in the local boards to make bye-laws, *Phillips* 1802——Suggestions as to the practice to be observed, and the notice to be given in the matter of bye-laws, *Willis-Bund* 3371–3374.

Grounds for objecting to bye-laws being made or suggested by the local boards; expediency of this duty resting with a travelling court, *Whyte* 3679–3682. 3858–3861—— Objection to bye-laws relative to nets, &c. being made by the local boards, as the river interests are predominant, *Lisle* 5559–5563. 5620–5623. 5899–5905; *Miller* 4659 *et seq.* ——Expediency of regulations by Act of Parliament, instead of by a central authority or by local boards, *Lisle* 5620–5623. 5899–5905——Disapproval of a power in the Tyne Board to make bye-laws, *Bolam* 6002–6018. 6029–6032. 6054–6056.

Approval of a power in Boards of Conservators to make bye-laws, subject to appeal, *Wilson* 6200–6203——Expediency of a public inquiry before bye-laws are passed by local boards, *Lewis* 6755–6758.

Decided disapproval of a power in Boards of Conservators to make bye-laws, save under well-defined restrictions; the boards have in fact too much power already, *Surtees* 7367, 7368. 7372, 7373. 7400–7405. 7448–7451. 7549.

Necessity of bye-laws in order to suit the different circumstances of different rivers, *Brady* 8023–8026——Local inquiry in Ireland before bye-laws are made; evidence on oath being taken on both sides, and there being an appeal to the Privy Council; salutary working of this system, *ib.* 8027–8033. 8043–8051——Suggestion that in England, as in Ireland, applications for bye-laws be made by the local fishery boards, and that there be an inquiry on oath, and a right of appeal to a judge in chambers, *ib.* 8027–8029. 8034–8042——Expediency of an appeal from the governing body, in the case of each bye-law, *ib.* 8058——Want of power on the subject of bye-laws in England, further adverted to, *ib.* 8170–8179.

Conclusion of the Committee as to the necessity of entrusting the local boards with power to make bye-laws; that is, subject to the approval of a central authority, and with a right of appeal on the part of persons feeling aggrieved, *Rep.* v——Summary of the matters to be dealt with by bye-laws, *ib.*

See also *Close Time. Nets*, 2.

Bywell Dam (River Tyne). Great benefit to the Tyne fisheries by the removal of the Bywell Dam, *Walpole* 33; *Cuthbert* 2082–2088; *Dunbar* 5224–5228. 5276——Voluntary removal of the dam by Mr. Beaumont, on the passing of the Act of 1861, *Cuthbert* 2089–2096.

Report, 1870—*continued.*

C.

Cail, Richard. (Analysis of his Evidence.)—Civil engineer at Newcastle-on-Tyne; has had considerable experience in regard to mill-dams, bridges, &c., 7048–7056——Has paid special study to the Dinsdale case, and submits detailed explanations in support of an amended plan for the construction of a pass in the dam; conviction as to the success of this plan if tried, 7057 *et seq.*——Concurrence in the views of Mr. Paterson and Professor Rankine as to the effect of an aperture in the dam on the milling power, 7058–7061.

Facility of enabling salmon to surmount any height, by a series of pools or stages, as on witness's plan, 7062. 7077. 7080. 7094, 7095——Willingness of witness to apply his plan to the Dinsdale Weir at his own expense in the first instance, and not to ask for payment until its success is proved, 7081. 7092. 7177, 7178——Statement on the subject of witness's design having been before the commissioners and inspectors, 7087–7090. 7132–7139. 7174–7176.

Suggestions relative to the application of witness's plan of fish pass to weirs generally, according to local circumstances; the expense would not be great, 7094 *et seq.*——Disapproval of a plan of fish pass suggested by the Messrs. Scott for the Dinsdale Dam, 7140–7143——Difficulty in estimating the value of the Dinsdale Mill, 7144–7149. 7179–7186.

Canal and Water Companies. Great injury to many rivers by the large absorption of water by canal and water companies: remedy suggested, *Walpole* 173–185——Undue and illegal abstraction of water from the Dee by the Shropshire Union Canal Company: inexpediency of legal facilities for preventing acts of this kind, *Owen* 2069–2076——Expediency of checking the removal of water from salmon rivers by canal companies, *Lloyd* 4574–4577.

Central Authority. See *Board of Trade. Fishery Board or Commission. Home Office*

Central Board. See *Fishery Board or Commission.*

Char. Question whether there should not be a close season for char, *Walpole* 423, 424——Approval of facilities for netting char and trout except at a certain time of the year, *ib.* 513–515.

Cleddaw District. Large increase of open sea embraced in the Cleddaw district, which extends along nearly the whole of the coast of Pembrokeshire, *Marriott* 6492——Variety of fish taken off the Pembrokeshire coast, there being several villages of poor fishermen, *ib.* 6493–6496——Evidence in support of the conclusion that the Salmon Fishery Acts of 1861 and 1865 operate very mischievously as regards the fishermen below Milford, and on the coast, *ib.* 6501 *et seq.*

Proposition for excluding from the Cleddaw district a large portion of the coast, or open sea, now included in the district: examination in detail as to the grounds for this proposal, and as to the way in which it should be carried out, *Marriott* 6503 *et seq.*——Greater injury to the sea fishery than good to the salmon fishery by the present undue extent of the district, *ib.* 6510. 6601——Disapproval of the district embracing parts of the sea, or coast, where very few salmon are ever caught, *ib.* 6515, 6516. 6524. 6533——The whole of the coast outside Milford, and a portion of the Haven itself, should be excluded from the salmon fishery district, *ib.* 6539——Doubt whether the coast fishermen are worse off as a class than they were previously to 1861, *ib.* 6616–6618. 6644–6646.

Clitheroe Weir (*River Ribble.*) Belief as to the efficiency of the Clitheroe pass on the Ribble, *Walpole* 711–714——Particulars relative to the fish-pass at the Clitheroe weir, and the alterations directed to be made by the fishery inspectors: conclusion as to its efficiency in its original state, *Garnett* 7787–7797. 7812, 7813——Complaints as to the serious expense imposed on witness in the matter of the alteration of the Clitheroe pass, *ib.* 7798–7800.

Close Time:

1. *Annual Close Time.*
2. *Weekly Close Time.*
3. *Nightly Close Time.*

1. *Annual Close Time:*

Evidence in favor of the annual and weekly close time being, in the first instance, defined by law, and of its resting with the local boards to make alterations by bye-laws, subject to central approval, *Walpole* 210, 211. 233–236. 492–496. 531–538. 675–682——Grounds for the conclusion that the annual close season should vary in different rivers, *ib.* 212–222, 233–237. 568–596——Similarity between the Eden and the Derwent on several points, whereas a different close season is very desirable, *ib.* 218–219.

Approval

Close Time—continued.

1. *Annual Close Time*—continued.

Approval of the present annual close season, *Fane* 873, 874——Opinion favourable to a fixed annual close time for all rivers: difficulty otherwise as to illegal sale, *Hutton* 1384, 1385. 1442–1449. 1473–1475——Question under consideration in witness's district whether the annual close time should not be altered, *Phillips* 1747–1753——Advantage if the annual close time began a fortnight earlier: that is, as regards net fishing, *Cuthbert* 2234. 2370, 2371——Difficulties in the way of a uniform close season for all Scotch rivers, *List* 2564. 2570–2579.

Approval of one uniform close season being laid down by Act, with power of variation in local boards subject to central authority, *Willis-Bund* 3243–3248. 3366–3368. 3497–3501. 3551–3556——Different close season desirable for the Severn, the Teme, and the Wye, *ib.* 3551–3556.

Importance attached to a uniform close season: division of opinion at the Taw and Torridge Board of Conservators on this question, *Whyte* 3708–3713. 3841–3849. 3871–3894——Conclusion as to fish deteriorating in all rivers about the same time, though some rivers may be later than others, *ib.* 3709–3713. 3769–3779. 3871–3884. 3889–3894——Proposed extension of the annual close season for small rivers, *Walkey* 3964–3967.

Necessity of power being given to vary the annual close time, some rivers being very late and some very early, *Hallett* 4178–4181; *Lloyd* 4498–4502; *Dunbar* 5238–5247. 5335. 5393–5397——There are early and late salmon, just as there are early and late fruits and vegetables, *Dunbar* 5393–5397——Want of power in local boards to limit as well as so extend the fishing season, *Harris* 7047.

Approval of the present annual close time, save that it should cease a month earlier in the estuaries, *Garnett* 7807, 7808. 7811. 7846. 7858——Expediency of limiting the river fishing to three days a week during the month proposed to be taken from the estuary fishing, *ib.* 7846.

Advantage of the close season in different rivers being regulated by bye-laws, *Brady* 8054–8057——Opinion that the annual close season in England, as in Ireland, should be for 168 days, *ib.* 8055——Impossibility of accounting for the difference of season in different rivers, *ib.* 8059–8068——Great variety of close seasons for different rivers in Ireland, *ib.* 8362, 8363——Advantage of a varying close season, whilst there is but little facility offered thereby to poaching, *ib.* 8364–8367.

Approval by the Committee of power in local boards to vary the annual close time, subject to certain conditions, *Rep.* v.

2. *Weekly Close Time:*

Consideration of the question of weekly close time, witness proposing to extend the time to forty-eight hours, *Walpole* 208. 507–512——Statement in favour of an assimilation of the weekly close time in England to that in Ireland where the time is from six o'clock on Saturday morning to six on Monday morning, *ib.* 243–249. 253–261——Suggestions on the subject of a variable weekly close time, by means of bye-laws, *ib.* 250–252——Advantage of a definite weekly close time being fixed by law in the first instance, subject to subsequent alteration, *ib.* 253–261——Objections to a fortnightly close time, *ib.* 738–740.

Approval of a longer weekly close time in the lower waters, *Hutton* 1386. 1500–1503. 1574, 1575——Suggested extension of the weekly close time to sixty hours, *Phillips* 1758–1760. 1795–1798; *Owen* 1912. 1915. 1967–1970——Advantage of extending the weekly close time by six hours, *Cuthbert* 2230–2232——Inexpediency of any large extension of the weekly close time, *Willis-Bund* 3365.

Extension proposed in the weekly close time, *Walkey* 3970–3972——Suggestions for a moveable weekly close time, *Haig* 4327–4337——Great advantage to the upper proprietors, and to the fisheries generally, by an extension of the weekly close time; there should be at least two clear days a week in all rivers, *Dunbar* 5248–5257——Approval of the present weekly close time, *Lisle* 5618, 5619.

Proposed increase of the weekly close time in non-tidal waters, *Surtees* 7369–7371——Suggested large extension of the weekly close time, *Garnett* 7808–7810——Approval of the same weekly close time in England as in Ireland, *Brady* 8069–8072.

Conclusion of the Committee as to the expediency of power in the local boards to vary the weekly close time, provided the length of such close time shall not in any case be less than forty-eight hours, *Rep.* v.

3. *Nightly Close Time:*

Proposal for prohibiting net fishing at night in the fresh water of rivers in England, this being now the law in Ireland, *Walpole* 209. 259. 262–275; *Owen* 1912, 1913. 1933–1936; *Lloyd* 4505–4507; *Brady* 8140–8146. 8172–8174——Advantage of a close time during the night, both in the tidal water and in the fresh water, *Fane* 889–892. 925–927——Proposed prohibition of net fishing at night, *Garnett* 7810–7812. 7835, 7836.

Report, 1870—*continued.*

Close Time—continued.

3. *Nightly Close Time*—continued.

Approval of a prohibition of net fishing at night in fresh waters, *Rep.* v.

See also *Avon, The. Bye-Laws. Derwent River. Eel Fishing. Lune River. Rod Fishing. Sale of Salmon. Taw and Torridge Rivers. Tees Fisheries*, 2. *Teify Fisheries. Towey River. Trout. Tyne Fisheries*, 9. *Wye and Severn Fisheries.*

Coast Fisheries. Suggestion that all coasts not within the estuaries of rivers be excluded from the operation of the Salmon Fishery Acts, and that the Home Office should regulate the districts according to local circumstances, *Marriott* 6510, 6511. 6545. 6549. 6571–6589. 6600–6609. 6619–6625.——*See* also *Pembrokeshire.*

Coast Guard. Advantage of aid from the coast guard for the protection of the tidal fisheries, *Walpole* 528, 529; *Brady* 8254, 8255.

Cod-fishing. Practice as to cod-fishing off the Tyne adverted to; advantage of facilities for taking cod near the shore in December and January, *Lisle* 5580–5588. 5755–5761. 5882–5886——Excellent quality of the cod taken near Cullercoats, *Bolam* 5954–5956.

Collooney Fish-pass. Particulars relative to the Collooney salmon-pass; its efficiency, *Roberts* 2840–2842. 2871–2879——Details showing that immense numbers of salmon have ascended the passes at Collooney and Ballisodare, *Brady* 8074. 8078.

Commission on Fisheries. See *Fishery Board or Commission.*

Compensation. See *Compulsory Powers. Purchase of Mill Dams.*

Compulsory Powers. Evidence in favour of compulsory powers for the acquisition of mill-dams, with suggestions as to the mode of providing compensation, *Walpole* 54–88, 88–91. 105, 106. 430, 431. 556, 557. 622–631; *Fane* 819–822. 872; *Phillips* 1684–1687. 1739; *Whyte* 3678. 3690. 3750–3752. 3780–3788. 3862–3864; *Dunbar* 5219–5223.

Expediency of some control on the part of the Home Office in the event of local boards having powers relative to the purchase of weirs, *Fenwick* 1069–1071. 1118——Compulsory powers should not be put in force without reference to the Special Commissioners, ——*Hutton* 1425–1428.——Inadequacy of the powers under the Acts of 1861 and 1865 for dealing with weirs on the Wharfe, Derwent, &c.; conclusion as to the expediency of compulsory powers, *Phillips* 1616–1622. 1636, 1637. 1656–1670. 1680–1697. 1723–1725.——Conclusion as to the expediency of compulsory powers in the interests of the public, *Bateman* 2635–2638. 2759–2776.——Expediency in certain cases of a public inquiry before boards of conservators take compulsory action in the acquisition of mill-dams, *ib.* 2765–2776.

Expediency of extended powers in the provision of fish-passes, rather than of suddenly granting compulsory powers for the removal or purchase of mill-dams, *Willis-Bund* 32 85 3286. 3430–3433. 3449–3451. 3486–3488. 3603–3609. 3629, 3630. 3640, 3641——Disapproval of compulsory powers for the purchase of weirs, save under certain conditions, *ib.* 3414 *et seq.*

If compulsory powers of purchase be granted, they should only be exercised with the consent of three-fourths of the conservators; witness objects to such powers being given at all, *Surtees* 7340–7362. 7502–7509. 7538–7557——No compulsory powers should ever be put in force if it could be shown that an efficient pass could be made, *ib.* 7551——Objection to boards of conservators having compulsory powers of purchase, *Garnett* 7854–7856.

Absolute necessity of greater powers for the removal of obstructions to the passage of the fish, *Rep.* iii——Conclusion that powers of purchase should be given to local boards under certain conditions, *ib.* iv.

See also *Appeal.*

Conservators. See *Boards of Conservators.*

Consolidation of Acts. Opinion in favour of one consolidated law for England and Scotland, but not for Ireland also, *Walpole* 461–464.

Conway River. Progressive decline in the Conway fisheries since the close season has been made to commence on the 1st September, *Walpole* 233——Causes of the decline in the Conway fisheries further adverted, *ib.* 715.

Coquet River. On the Coquet the salmon have been practically exterminated by the bull trout, *Walpole* 241. 741——Grounds for the foregoing statement, *ib.* 743–745——Steps being taken by witness for getting rid of the bull trout, *Dunbar* 5295–5297.

Cork Waterworks Weir. Information relative to the pass designed by witness at the Cork Waterworks Weir; its efficiency, whilst there is no apprehension of injury to the weir, *Gray* 3057–3073. 3113–3120.

Cost of Fish-passes. Obstacle to the construction of fish-passes in unproductive rivers, on account of the absence of licenses and the want of funds, *Walpole* 92–95——Practicability

Cost of Fish-passes—continued.

cability of constructing an adequate pass over every dam; in some cases the expense would be out of proportion to the results, *ib.* 96-98——Opinion that the expense of passing salmon over navigation weirs must fall upon the boards of conservators, *ib.* 417-419.

The expense of the fish-pass should fall on the occupier or owner of the weir, where it was proved his title to the weir was illegal, *Hutton* 1341; *Phillips* 1682, 1683. 1712, 1713——Great variation in the cost of fish-ladders, *Roberts* 2963-2995——Obstacle to the construction of fish-passes on account of the want of funds; advantage of a Government grant for the purpose, *Walkey* 3910. 3934-3939. 4086-4091.

Suggestion that compulsory powers be given for the construction of fish-passes, and that the owners of the weirs be in all cases required to join in the expense, *Lloyd* 4508-4512. 4596. 4604——Hardship in the expense of fish-passes being charged upon the millowners, *Garnett* 7845.

Circumstances under which the cost of passes should be borne respectively by the fishing interest and by the mill interest, *Brady* 7973-7977——Opinion that the passes should be made at the expense of the millowners, where the weirs have been erected or enhanced within the last twenty years, *ib.* 8083. 8316-8318.

Paper submitted by Mr. Paterson containing suggestions in detail relative to the expense of fishways, *App.* 306-308.

See also *Rate.*

Cowley Bridge (*River Exe*). Improvement required and contemplated in the pass at Cowley Bridge, *Walkey* 4081-4085.

Crown Fisheries. Expediency of the same law being applied to the Crown fisheries in the Wye as to other fisheries, *Miller* 4973-4975.——*See* also *Fixed Engines.*

Cullercoats Fishermen. See *Hang Nets.* *Tyne Fisheries.*

Cuthbert, William. (Analysis of his Evidence.)—Is chairman of the Tyne Conservancy Board, 2078-2081——Great decrease in the supply of salmon in the Tyne previously to 1861, owing to the obstruction caused by the Bywell Dam, 2082-2088——Voluntary removal of the dam by Mr. Beaumont, on the passing of the Act of 1861; 2089-2096——Formation of an association by the riparian owners upon the removal of the dam, funds having been voluntarily raised, and expended in police constables, 2097-2114.

Creation of the Tyne fishery district in May 1866; 2115——Statistics of the receipts from licenses in each of the last three years; great decrease owing to the decrease of salmon, 2116-2128——Sundry details relative to, and in condemnation of, the use of hang nets in the estuary, whereby the Tyne fisheries have been well nigh exhausted, 2129 *et seq.*

Circumstance of the salmon caught in the hang nets being greatly injured or damaged and frequently killed; question hereon whether the nets are not on this score illegal, 2130-2148. 2167-2170. 2184-2186. 2280-2283——Protective provisions in the Tyne Fishery Act of 1842 on the subject of hang nets, &c., 2149-2153. 2314-2318. 2349, 2350——Practice of fastening several hang nets together, and also of anchoring them, so that they become fixed engines; large seizures in consequence of this abuse, 2154-2165. 2188-2197. 2301, 2302. 2409.

Very injurious effect of the hang nets not only in decreasing the supply of salmon, but in increasing the supply of bull trout, 2166. 2171-2183. 2387-2390——Tendency of the hang nets to drive the fish out to sea, 2198-2202. 2289. 2306, 2307——Suggestion that there should be a maximum as well as a minimum size of mesh for all nets, 2203-2205. 2325-2331——Proposal that boats be marked and registered, and that they pay the same license as nets, 2206. 2221, 2222.

Further suggestion that all nets found without a man in charge be deemed fixed engines, 2207. 2412, 2413——Suggestion on the subject of the fish having a play-ground at the entrance to the river, 2208-2212——Proposed limitation of the length of hang nets, with a proviso for additional duty when they exceed 100 yards, 2213, 2214. 2365——Advantage of power to proceed by bye-laws, subject to central approval, 2215-2217. 2225-2228. 2259-2261. 2269, 2270.

Enumeration of suggestions set forth in the Tyne Fishery Bill of last Session for the improvement of the fishery, 2218-2241——Proposal for abolishing the net license and for substituting a license duty upon every person engaged in fishing, 2222——Contemplated purchase of a small dam on the Tyne at Woodburn, 2242-2248——Speedy revival expected in the Tyne fisheries if the measures advocated by witness be carried out, 2249. 2349, 2350.

Ultimate benefit to the Cullercoats fishermen by restrictions on the use of hang nets, &c., 2250-2258. 2274-2279. 2297-2300. 2310-2313——Decided approval of many of the provisions of the Government Bill of last Session; amendments or additions proposed by the Tyne Fishery Board, 2262-2270. 2368, 2369. 2393. 2410, 2411——Explanation

Report, 1870—*continued.*

Cuthbert, William. (Analysis of his Evidence)—*continued.*

and approval of the constitution of the Tyne Board; limited attendance of members adverted to, 2271–2273. 2290–2296. 2305. 2324. 2372–2379. 2391, 2392.

Very few fish caught on the south side of the Tyne estuary, 2284–2288——Advantage of prohibiting fishing within 100 yards of the bar, 2308, 2309——Limited extent to which pollutions in the river affect the passage of the fish, or are injurious to them, 2319–2323. 2402, 2403—— Contemplated full power in local boards to regulate the size of nets, &c.; that is, subject to central control, 2331–2333.

Particulars as to the scale adopted in levying general licenses on the Tyne, 2334–2340. 2400, 2401 —— Suggestions for an *ad valorem* rating of fisheries generally; proposed exemption of public fishermen, 2341–2348. 2380–2386——Effect of the dry seasons for the last few years in partly accounting for the small supply of salmon in the Tyne, 2351–2358——Difficulty in enforcing the payment of a separate license duty for each hang net, 2359–2364——Approval of the unrestricted use of ordinary nets in the Tyne estuary, 2366, 2367——Sufficient resources of the Tyne Board for freeing the river from weirs or dams, 2394–2399.

Valuable provisions in the Tyne Act of 1842, which were repealed by the General Act of 1861; useful provisions, however, in the latter Act and in the Act of 1864; 2404–2408. 2414–2416.

D.

Dams. See *Weirs or Mill Dams.*

Deanston Fish-pass (River Teith). Information on the subject of the Deanston pass on the River Teith, near Perth, as adopted many years ago by Mr. Smith of Deanston: great facility thereby to the ascent of the fish, without injury to the milling power, *Bateman* 2591–2594; *Brady* 7914–7916. 8073.

Dee River. Varying value of the Dee fisheries as represented by the licenses; abuse in the transfer of licenses, *Walpole* 21–24. 160——Amendments required in the case of the Dee as regards over-fishing, weekly close time, &c., *ib.* 198–208.

Views of the upper men of the Dee and Severn as to the chief amendments required in the Acts of 1861 and 1865, *Owen* 1912–1920——Expected dissolution of the Dee and Severn Fishery Boards unless something be promptly done for the protection and improvement of the fisheries, *ib.* 1920–1923. 1932——Defence of the present constitution of the Dee and Severn Boards, *ib.* 1946–1955——Excessive netting in the estuary of the Dee and in the river, *ib.* 1956–1966.

Particulars relative to the weirs on the Dee, the obstructions offered by them to the ascent of the salmon, and the inadequate steps taken to provide fish-passes, *Owen* 2007–2037. 2046–2048——Obstacle to an efficient pass in the Chester Weir, *ib.* 2007–2010——Satisfactory pass made in the Erbistock Weir; power of the miller to close it at any time, *ib.* 2011–2026——Opening made in the crest of a mill-dam without causing injury to the dam, *ib.* 2031–2036. 2048.

Derwent River. Resemblance between the Derwent and the Eden in many particulars, whereas the former is a very late river and the latter a very early one, *Walpole* 218, 219. 568–598——Very injurious pollution of the Derwent, *Hutton* 1264–1267——Unduly small size of the Derwent district, *Phillips* 1761.——*See* also *Wharfe, Derwent, &c.*

Dinsdale Dam (River Tees):

1. *Steps taken in order to enforce the provision of a Fish-pass; inefficiency of the latter.*
2. *Suggestions for an Improved Pass.*
3. *Question of buying up the Mill and Dam; Effect of a Removal of the latter.*
4. *Complaint as to the Action of the Tees Fishery Board.*
5. *Practice as to Fishing at the Dam.*

1. *Steps taken in order to enforce the provision of a Fish-pass; inefficiency of the latter:*

Particulars relative to the Dinsdale fish-pass as erected in 1867, after the award of the Special Commissioners; its inefficiency, *Surtees* 7189–7220——The pass was erected at the expense of witness and his brothers, *ib.* 7209–7211——Expenditure of 376*l.* on the fish-pass, and on a necessary alteration of the mill, the rent of the latter being 60*l.* a year, *ib.* 7212–7216. 7568, 7569——Admission as to witness having been unsuccessful before the Commissioners in resisting the making of an opening in the Dinsdale dam, *ib.* 7278–7282. 7477–7484——Appeals now pending on the question as to the mode of effecting a passage in the Dinsdale dam; conclusion as to an efficient pass being feasible, *ib.* 7566. 7574–7581.

Utter inefficiency of the Dinsdale pass, *Garnett* 7845——Declaration by the Special Commissioners as to the illegality of the Dinsdale fishing mill-dam; judgment was not enforced in order to enable the owner to provide a pass, but this has proved an utter failure, *Brady* 8008–8019.

Statement

Report, 1870—*continued.*

Dinsdale Dam (*River Tees*)——continued.

1. *Steps taken in order to enforce the provision of a Fish-pass, &c.*—continued.

Statement submitted by Mr. Surtees to the Treasury, complaining of the legal course pursued in enforcing alterations in the Dinsdale Dam, *App.* 302, 303.

Correspondence between the Special Commissioners and the Treasury, and between the former and the Home Office, relative to the steps taken in the matter of the Dinsdale Dam, and the action of the Commissioners in enforcing certain alterations, *App.* 312–315.

2. *Suggestions for an Improved Pass:*

Witness has paid special study to the Dinsdale case, and submits detailed explanations in support of an amended plan for the construction of a pass in the dam; conviction as to the success of this plan if tried, *Cail* 7057 *et seq.*——Concurrence in the views of Mr. Paterson and Professor Rankine as to the effect of an aperture in the dam on the milling power, *ib.* 7058–7061——Willingness of witness to apply his plan to the Dinsdale Weir at his own expense, in the first instance, and not to ask for payment until its success is proved, *ib.* 7081–7092. 7177, 7178——Disapproval of a plan of fish-pass suggested by the Messrs. Scott, *ib.* 7140–7143——The cost of witness's plan would be about 100 *l.*, *ib.* 7151, 7152. 7177——Necessity of abstracting water from the mill in order to work witness's pass; check, by means of a sluice, upon injury to the milling power, *ib.* 7157–7165. 7170, 7171.

Report by Mr. Cail on the Dinsdale pass, dated 25th June 1868, submitting detailed explanations of the improvements proposed, *App.* 301.

3. *Question of buying up the Mill and Dam; Effect of a Removal of the latter:*

Nearly absolute exclusion of salmon by the Dinsdale dam, *Walpole* 45; *Wilson* 6115 *et seq.*——Recommended purchase of the dam: impression as to an offer having been made, *Lloyd* 4541–4547. 4597, 4598——Suggestions for an improved pass, though it would be still better to buy up and remove the dam, the mill not being valuable, *Wilson* 6115–6136. 6178, 6179. 6194–6199. 6221–6226. 6238–6245. 6256–6268. 6273–6282. 6320–6333——If the Dinsdale dam were removed the Tees would be one of the finest salmon rivers, *ib.* 6194——Great improvement expected in the river if the dam be removed, *Hale* 6395–6398——Difficulty in estimating the value of the mill, *Cail* 7144–7149. 7179–7186.

Probability of a removal of the Dinsdale dam being an injury instead of a benefit to the river; expediency rather of an efficient fish-pass, Mr. Cail, Mr. Buckland and others believing that adequate facilities of passage may thus be secured, *Surtees* 7530–7557——Frequent negotiations on the subject of a sale of Dinsdale mill and dam; belief as to there being power to sell, *ib.* 7567. 7642–7649——Succession of witness's brother to the Dinsdale estate thirty or forty years ago, *ib.* 7582–7587——Statement as to the annual value of the mill, the fishing, and the lands attached, *ib.* 7590–7604——Witness pays 40 *l.* a year for the fishing, receiving half the fish taken by the men, *ib.* 7600. 7605——Statement as to an annual payment being made, in respect of Dinsdale dam, to Sir Edward Blackett the adjoining riparian owner, *ib.* 7743–7748.

4. *Complaint as to the Action of the Tees Fishery Board:*

Grounds for a statement by witness as to there having been constant and vexatious litigation between the Tees Board and the owners of the Dinsdale dam, *Surtees* 7262–7289. 7355–7361. 7470–7488. 7670–7686——Frequent change of tenants at Dinsdale mill, on account of the numerous and vexatious summonses taken out by the Tees Board, *ib.* 7385–7381. 7414–7430. 7724–7734.

5. *Practice as to Fishing at the Dam:*

Illegal capture of many salmon at Dinsdale dam by stroke-hauling; difficulty in putting down this practice. *Wilson* 6187–6193. 6251–6255. 6339–6359——Constant poaching formerly at the Dinsdale dam, *Hale* 6399–6405. 6449–6452——Names of the men employed at the mill; explanation as to one of these having been summoned for poaching, the case having been dismissed, *Surtees* 7606–7616.

See also *Tees Fisheries.*

Donnington Weir (*River Trent*). Failure of the ladder on the Forsyth principle at Donnington Weir, *Hutton* 1271–1279. 1283.

Draft Nets. Greater harm done by the draft nets than by the drift nets, *Lisle* 5542–5549——Opinion that the draft net is the fairest mode of fishing, *Hale* 6454.——*See* also *Nets.*

Drift Nets. See *Hang Nets.*

Dry Seasons. Very dry seasons in the Trent district for the last few years, there being fewer young fish, *Hutton* 1546–1549——Peculiarly dry seasons in 1868 and 1869, to which as well as to excessive netting, the diminished supply of salmon in the upper waters of the Dee is attributable, *Owen* 2049–2058——Effect of the dry seasons for the last

Report, 1870—*continued.*

Dry Seasons—continued.

last few years in partly accounting for the small supply of salmon in the Tyne, *Cuthbert* 2351–2358——Exceptionally bad character of the last two seasons on account of their dryness, *Lloyd* 4520. 4625–4627——Decrease in the Wye and Severn fisheries during the last three years, owing chiefly to the dry seasons, *Miller* 4656–4658. 4838–4841. 5117–5127——Increased supply of fish in the Wye, if there were not so much drought, as the fish would more readily ascend, *Miller* 5117–5127. 5138.

Dunbar, William. (Analysis of his Evidence.)—Has had great experience of salmon fisheries in various parts of Scotland, and pays fishery rents exceeding 3,000 *l.* a year; is also manager of the Duke of Northumberland's fisheries in the Tyne, the Coquet, and other rivers, 5180–5200——Immense improvement effected by witness in the Thurso fisheries since he first rented them in 1852; this has been owing to the steps taken for preventing over-fishing, and for facilitating the ascent of the salmon, 5194–5196. 5248–5257. 5260. 5384–5392.

Approval of power in boards of conservators to make bye-laws, subject to the sanction of the Home Office, 5201–5211——Advantage of private fisheries being rated for the protection of the rivers, 5212–5218——Improvement if there were power to purchase mill-dams, compulsorily, or to put up fish passes, 5219–5223——Great benefit to the Tyne fisheries by the removal of the Bywell Dam, 5224–5228. 5276.

Expediency of millowners being required to provide gratings at mill streams; importance of such provision on the river Thurso, 5229–5237——Decision by the Scotch Court of Session in 1869, that it was obligatory upon the owner or occupier to erect hecks or gratings at mill races, 5229–5235——Necessity of power being given to vary the annual close, some rivers being very late and some very early, 5238–5247. 5335. 5393–5397——Great advantage to the upper proprietors, and to the fisheries generally, by an extension of the weekly close time; there should be at least two clear days a week in all rivers, 5248–5257.

Evidence in strong condemnation of the hang net, as used in the estuary of the Tyne; expediency of its total prohibition, 5261–5293. 5305–5307. 5324–5329. 5346–5358. 5373–5378——Suggestions relative to the size of the mesh of nets, with a view to the destruction of the bull trout, 5293–5298——Regulation necessary as to the sale of fish, if the close time be varied, 5299, 5300——Advantage of the fishing boats being numbered, 5301, 5302——Suggestion relative to the marking of the nets, 5303, 5304.

Proposal that trout fishing be prohibited for a certain period; advantage of such prohibition in the Thurso from the 15th April to the 1st June, 5308–5312. 5339–5341. 5379, 5380——Construction by witness of several effective fish passes, such passes being of primary importance, 5313–5323——Expediency of prohibiting hang nets, notwithstanding the representations of the Cullercoats fishermen, 5324–5329. 5373–5378——Advantage if net fishing in the Tyne did not commence till the 1st April, so as to let the early fish up the river, 5330–5335.

Prohibition in Norway upon fishing within a certain distance of the mouths of rivers, 5336——Great destruction of smolts at the mill races in Norway, 5337, 5338——Approval of the Bill of last Session, and of the principle of gradual legislation, 5342–5345——Very little use of hang nets on the south of the entrance to the Tyne, the fish mostly coming from the north, 5350–5358. 5398–5401——Information relative to the former connection of witness with fisheries in Norway, and the effect of net fishing upon the supply of salmon, 5359–5372.

Satisfaction expressed with the present mode of constitution of boards of conservators, 5402–5405——Advantage if nets were prohibited within 100 yards of mill-dams, 5406–5408——Extended powers of search desirable in water bailiffs, 5409–5412——Belief as to the interests of the upper and lower proprietors being identical, 5413–5415.

E.

Eden, Mr. Mr. Eden was strongly of opinion that there should be but one board for the three kingdoms, *Brady* 7900. 8211.

Eel Fishing. Recommendation as to the removal of eel traps during the summer months, *Walpole* 420——Expediency of restriction as regards eel traps in the Avon, *Fane* 865–867——Want of a close season for eel fishing, *Hutton* 1401–1403——Expediency of a close time for eels, as a protection to salmon, *Willis-Bund* 3375–3378——Suggested restrictions upon the use of eel traps, which should pay a license, *Walkey* 4001–4008——Suggested removal of eel traps between 1st January and the 1st July, *Lloyd* 4578; *Rep.* v.——Satisfactory restriction upon eel fishing in Ireland, *Brady* 8374–8380.

Estuaries. Suggestion on the subject of the fish having a play-ground at the entrance to the river, *Cuthbert* 2208–2212; *Rep.* v.

See also *Coast Fisheries.* *Nets.* *Wye and Severn Fisheries.*

Exe River. Reference to the Exe as almost entirely blocked by weirs, *Walpole* 46——Excellent

Report, 1870—*continued.*

Exe River—continued.

Excellent spawning ground in the Exe, which was formerly a very productive salmon river, but has become almost valueless on account of the weirs and of pollutions, *Walkey* 3902–3909. 4040–4045. 4092–4096. 4101–4103. 4122——Failure of a pass erected by the Exe conservators, for which a model was supplied by Mr. Buckland; witness does not hold the latter responsible for this failure, *Halkey* 3911. 4076–4080. 4104–4121——Want of power by the Exe board to make passes in weirs, and to deal with pollutions; probable expenditure necessary, *ib.* 3912–3920.

Suggestion that an extra month's rod fishing be allowed to the upper proprietors, *Walkey* 3968, 3969. 4023, 4024. 4037——Existence of only one navigation weir on the Exe; form of pass desirable, *ib.* 3999, 4000——Want of funds, owing to which there is now no water bailiff on the river, *ib.* 4038, 4039——Impression as to the illegality of a weir belonging to the railway company near Exeter, *ib.* 4056.

F.

Fane, Frederick. (Analysis of his Evidence.)—Is member of the Avon and Stour Fishery Board; has taken an active part in promoting the improvement of the local fisheries, 748–755——Importance of an amendment of the Acts of 1861 and 1865, on the subject of dams and weirs, 756–758——Particulars relative to several mill weirs and fishing dams on the Avon, which offer great obstructions to the passage of the salmon; the Knapp Weir and the Ringwood Weir being especially objectionable, 759 *et seq.*

Anxiety of witness for a local inquiry by the Special Commissioners into the stoppages on the Avon, in order to determine the question of legality, 763–767. 773. 802–805. 899–903. 947–949——Very valuable character of the salmon fishery at the mouth of the Avon, whilst above the Knapp Weir it is of very little value, 771, 772. 781. 911——Inefficiency of the passes on the Knapp and Winckton Weirs, 776–788. 792——Value of the Knapp Weir and of the fishing immediately below; difficulty as to a purchase of the weir, 789–801. 815–818.

Considerable damage done to meadow lands by the Winckton Weir, 809–814——Advantage of power to take weirs by purchase, on the principle of the Lands Clauses Consolidation Act, 819–822——Valuable interest involved in the Ringwood Weir, 823, 824. 830——Inefficient pass constructed in this weir out of voluntary subscriptions, 825–829——Facility of making an efficient pass, but for the difficulty as to funds; explanation hereon relative to a model pass proposed by Mr. Buckland, 831–843. 928–931.

Want of increased power in fishery boards to raise funds for dealing with weirs, 844–847——Necessity of dealing with the weirs on the Avon, before the fisheries in the river can be improved, 848–853——Information relative to the licenses for net fishing in the estuary and in the river respectively, 854–858. 969–973——Doubt as to there being any abuse in the transfer of licenses, 859——Expediency of restriction as regards eel traps in the Avon, 865–867——Obstacle to the application of gratings to the channels used for irrigating the meadows, 868–871.

Necessity of compulsory powers, persuasive action with the millers being utterly inadequate, 872——Approval of the present annual close season, 873, 874——Alteration suggested in the weekly close time on the Avon, 875, 876. 911–916——Approval of the mesh of the net being two inches from knot to knot, 877——Strong objection to netting being allowed within 100 yards below the dam, 878–880. 950, 951.

Objectionable manner in which the nets are shot in the Avon; difficulty in applying a remedy, 882–888. 917–919——Advantage of a close time during the night, both in the tidal waters and in the fresh water, 889–892. 925–927——Satisfactory working of the Board of Conservators of the Avon; small attendance at the meetings of the board, 893–896. 920–924. 932, 933. 954–956. 980–983——Opinion favourable to the continued action of the Special Commissioners; advantage if they visited the several districts and acted as a court of appeal, 899–906. 957–960.

Expediency of power in local boards to make bye-laws, subject to central authority, 904, 905. 934, 935. 957——Advantage if an increased license duty could be applied to the racks or cruives used in the West of England, 907–910. 935–938——Belief as to the Avon and Stour fisheries having improved since 1868; causes to which attributable, 939–942.

Doubt as to the expediency of giving increased powers to water-bailiffs in witness's district, 952, 953. 961, 962——Witness would merge the inspectors in the Special Commissioners, 959–960——Approval of a rate upon the owners of fisheries, accompanied by restraints upon the public fishermen, 976–979.

Fenwick, Edward Matthew. (Analysis of his Evidence).—Is chairman of the Lune Fishery District Board, 985, 986——Several rivers comprised in this district, having a common estuary in Morecambe Bay, 987, 988——Income of about 300 *l.* a year derived by the board from licenses, 989, 990. 1049–1052——Opinion as to the unduly limited powers under the Salmon Acts for the protection of the fisheries, 991–995——Very in-

Report, 1870—*continued.*

Fenwick, Edward Matthew. (Analysis of his Evidence)—*continued.*

adequate power of the Special Commissioners in regard to fixed engines, weirs, &c., 995. 1023, 1024. 1072–1086. 1119. 1186, 1187.

Particulars relative to the Skerton Weir and the Halton Weir on the Lune, the fish passes in them, and the obstacles to rendering them efficient, 996–1039. 1146–1166. 1172——Expediency of compulsory powers in the Lune Fishery Board to raise money by mortgage on their income in order to provide efficient passes, or to buy up the dams altogether, 1038–1062. 1095–1097——Importance of power in boards of conservators to make bye-laws, subject to the sanction of the Home Office, 1063–1072. 1117, 1118. 1196.

Necessity of some control on the part of the Home Office in the event of local boards having powers relative to the purchase of weirs, 1069–1071. 1118——Want of some tribunal to which local boards could constantly refer; how it might be constituted, 1072–1086. 1116. 1186–1189. 1196–1199. 1206–1208——Expediency of some discretion in the Lune Board in regard to the weekly close time, 1088–1094.

Importance of power to compel the provision of gratings at head races and tail races of mills on the Lune, 1098–1103. 1175–1185——Suggestion that fishing be prohibited within 100 yards of weirs, 1104, 1105——Proposed restriction as regards the use of trout nets, 1106–1111——Want of penalties in the matter of the pollution of salmon rivers, 1112–1115.

Objection to increased powers in water bailiffs, 1120. 1167–1171. 1193–1195——Advantage of extending to seven days the power of the conservators to go upon land where poaching is suspected, 1120–1122——Suggestion that there be minimum as well as maximum penalties for offences, 1122, 1123——Information relative to the constitution of the Lune Fishery Board, and the attendance at meetings; doubt as to the advantage of a constituency of riparian owners and licensees, 1126–1145. 1200–1205. 1235–1238.

Importance attached to the functions performed by the inspectors on the part of the Home Office; difficulty if the local boards were entirely uncontrolled, 1189. 1196–1199. 1206–1208——Further consideration of the means available for raising money for the purchase of the weirs on the Lune, 1209–1212——Statement in support of the suggestion that local boards should have power to charge a higher license duty than 5 *l.* for draft nets in the estuaries, 1212–1223.

Practice in witness's district to destroy nets taken from poachers, 1225–1227——Regulations as to the audit of the accounts of the Lune Board; non-objection to the accounts being published, 1228–1234——Probability of better attendance at the meetings of the board if the upper fisheries were improved by a removal of the weirs, 1241–1243.

Ffennell, Mr. Circumstance of Mr. Ffennell having been favourable to the prohibition of netting in fresh waters, *Whyte* 3897.

Fishery Board or Commission. Objections to one fishery board for the United Kingdom in lieu of the present system; doubt as to any economy on the score of staff, *Walpole* 465–474.

Consideration of the question of a fishery board in London, somewhat similar to the Poor Law Board in its relation to Government; conclusion as to the advantages of such board, and suggestions as to its constitution, *Phillips* 1782–1794. 1830–1845. 1850–1857. 1887–1898——Question as to the use to be made of the Special Commissioners, and of the inspectors in the formation of a fishery board, *ib.* 1830–1833. 1850–1857. 1893–1898—— Approval of a permanent fishery board in London with district inspectors; local boards might in such case be dispensed with, *Whyte* 3856, 3857. 3867–3870.

Way in which the proposed tribunal might be constituted; the present inspectors might be dispensed with, *Walkey* 3989–3995——Proposed constitution of a central fishery board, *Lloyd* 4490–4495. 4512–4607——Suggestion that the proposed central board, rather than boards of conservators, should have power to make bye-laws, and to regulate the close time, &c., *ib.*, 4496–4504. 4603. 4605, 4606.

Statement as to witness having proposed some years since that there should be but one commission for England, Ireland, and Scotland; suggestions to a similar effect made by the commissioners for Irish fisheries in 1835 and 1853, *Brady* 7875–7882 —— Expediency of but one board for the three kingdoms; strong opinion of Mr. Eden to this effect, *ib.* 7898–7900——Further evidence in favour of one board for managing all the fisheries of England, Ireland, and Scotland; suggestions hereon as to the constitution of this board, and as to the authority to which responsible, *ib.* 8084, 8085. 8181–8184. 8211–8223——Explanation as to the proposed action of the governing body or central board before deciding whether the fishing interest or the milling interest is to give way, *ib.* 8306–8311.

Views of the Committee as to the expediency of a central authority, subject and responsible to a Government department, *Rep.* iv——Suggestions as to the extended powers to be given to the proposed authority, *ib.*

Fishery

Report, 1870—*continued.*

Fishery Districts. Advantage if there were power to unite fishery districts and to dissolve districts, *Walpole* 330-332——Grounds for the conclusion that there is no legal power to dissolve a fishery district, *ib.* 730, 731——Want of power in a central board to re-arrange the fishery districts, *Phillips* 1761-1765——Advantage if there were a similar system in England as in Ireland, in regard to the division of the country into fishery districts, *Brady* 8209, 8210.

Form of order in Ireland for altering boundaries of a district, &c., *App.* 305.

Approval by the Committee of power in a central authority to constitute, alter, unite, divide, and dissolve fishery districts, *Rep.* v.

See also *Coast Fisheries.*

Fishing Weirs. Approval of the provision that fishing-weirs shall leave one-tenth of the breadth of the stream for the gap, *Walpole* 77——Abuse involved in the provisions of the Act of 1861 as to fishing mill-dams; remedy suggested, *ib.* 78-84—— Under no circumstances should an illegal fishing mill-dam be used for the capture of fish, *ib.* 81—— Contemplated inquiry in order to decide between legal and illegal fishing mill-dams, *ib.* 83, 84——Ample power for the removal of inefficient passes over fishing mill-dams, *ib.* 558, 559.

Proposed qualification of the provision as to fishing mill-dams not being used for fishing, unless the fish-pass had always a certain supply of water flowing down, *Willis-Bund* 3208, 3209——Approval of compulsory power in local boards to purchase fishing weirs and mill-dams, *Lloyd* 4521-4525. 4532. 4592-4595. 4604——Explanation on the subject of fishing mill-dams in Ireland, and the measures necessary for meeting the obstructions in such cases, *Brady* 7999-8007.

See also *Weirs or Mill Dams.*

Fishways or Salmon Ladders:

1. *Great importance of Fish-passes in Weirs: expediency of Compulsory Powers on the subject.*
2. *Suggestions generally as to the mode of Construction.*
3. *Plan proposed by Mr. Paterson and Professor Rankine.*
4. *Proposed formation of Passes by the side of the Weirs.*
5. *Number and Character of Fishways already formed.*
6. *Practice in Ireland as to the provision of Fish-passes.*
7. *Conclusions of the Committee.*

1. *Great importance of Fish-passes in Weirs: expediency of Compulsory Powers on the subject:*

Considerable obstruction through the absence of fish-passes over weirs, *Walpole* 53. 67-76——Explanation that it is not proposed in any way to sacrifice the mills to the fisheries, but rather to confer power as to fish-passes which will not injure the former, and will greatly benefit the latter and the public generally, *Phillips* 1780. 1870-1880. 1901, 1902——Importance of power in Boards of Conservators to attach fish-passes to weirs when the owners refuse to do so, *Willis-Bund* 3285, 3286. 3430-3433. 3449-3451. 3486-3488. 3603 *et seq.*——Proposed amendment of Clauses 23 and 25 of the Act of 1861, by empowering Boards of Conservators, with the consent of the Home Office, to affix a fish-pass to every dam, *Whyte* 3660-3670. 3675-3677. 3686.

Importance generally of a power in Boards of Conservators to construct passes, these being feasible in all cases without injury to the weirs, *Walkey* 3917-3933——Opinion that a power to make fish-passes is more important than a power to buy up the weirs, *ib.* 3920. 3933——Proposal for removing the objection of conservators to make fish-passes, through fear of injury to the weirs, *ib.* 4010, 4011—— Want of compulsory powers for the construction of passes in weirs: how the money might be raised in the case of the Axe Board, *Hallett* 4164-4175.

Approval of powers to provide fish-passes in all dams, under compensation, *Surtees* 7363. 7446, 7447——Approval of mill-owners being compelled to allow the construction of fish-passes, witness believing that an effectual passage may be provided in every case, *Garnett* 7848-7850.

Primary importance of the making of fish-passes, as a means of developement of the salmon fisheries: this has frequently been insisted on by the Irish Commissioners, *Brady* 7965-7971—— Conclusion that compulsory passes should be made in weirs in England, on the same principle that free gaps have been enforced in weirs in Ireland: belief that this may be done without injury to the mills, *ib.* 7972 *et seq.*——Important decision in Scotland, by a majority of four judges against three, that the Commissioners had power to compel the erection of gratings and fish-passes in certain cases, *ib.* 8204-8208.

2. *Suggestions generally as to the mode of Construction:*

Conclusion that a fish-pass may be made in every weir without injury to the weir or to the mill: suggestions as to the mode of construction, *Hutton* 1326-1340. 1421-1424——

Report, 1870—*continued.*

FISHWAYS OR SALMON LADDERS—continued.

2. *Suggestions generally as to the mode of Construction*—continued.

Grounds for preferring the ladder system to the pool system in the construction of salmon passes, *Bateman* 2668-2671. 2736-2738. 2758; *Gray* 3157-3159——Suggestions for the construction of salmon ladders, so as to obviate the effect of a great velocity of the water, *Bateman* 2705-2707——Necessity of meeting the difficulty which arises through the weirs not being of a sufficient gentle inclination, *ib.* 2708——Absence of increased velocity by narrowing the orifice of a gap, *ib.* 2743-2745.

Decided objection to a diagonal channel, or fish-pass, across the face of the weir, *Roberts* 2909, 2910. 2979-2986——Suggestions relative to the position of the outlet or mouth of each fish-pass, *ib.* 2916-2918. 3003——Facility of constructing gaps or passes in all weirs without injury to the weirs, *Gray* 3111-3119. 3151, 3152——Suggestions as to the depth of water required for fish-passes, and the means of obtaining it where the top of the dam cannot be cut into, *ib.* 3121-3126——Importance of the foot of the pass not projecting beyond the line of the weir, and being readily found by the salmon, *ib.* 3127-3130——Sufficiency of a channel of water two feet deep by one foot wide, *ib.* 3138.

Amendment required in the clause with regard to the supply of water to fish-passes, *Willis-Bund* 3296——Injurious effect of some diagonal boards attached to witness's weir in order to form a fish-pass, *ib.* 3438. 3453-3456——Facility of enabling salmon to surmount any height, by a series of pools or stages, as on witness's plan, *Cail* 7062-7077. 7080. 7094, 7095——Statement on the subject of witness's design having been before the Commissioners and Inspectors, *ib.* 7087-7090. 7132-7139. 7174-7176——Suggestions relative to the application of witness's plan of fish-pass to weirs generally, according to local circumstances: the expense would not be great, *ib.* 7094 *et seq.*——Proposal for the construction of fish-passes generally, so as to secure a predominating current, and other elements of efficiency, *Garnett* 7787. 7801. 7850.

3. *Plan proposed by Mr. Paterson and Professor Rankine:*

Grounds for concluding that the plan of fishway recommended by Mr. Paterson would be inoperative during the summer and autumn months, *Walpole* 99-104. 123——Entire inadequacy of one description of fish-pass for all weirs, *ib.* 117. 122——Conclusion as to the practicability of making a pass in every weir without injury to the mill, upon the plan of Mr. Paterson, *Phillips* 1698-1711. 1799-1801.

Consideration in detail of the plan proposed by Mr. Paterson and Professor Rankine for making a notch or inlet, about two feet wide and two feet deep, in each weir, and for placing along the crest of the weir a compensating bar of wood or iron; objections to which open, save where there is surplus water, or in times of flood, *Bateman* 259 *et seq.*; 2699-2707——Conclusion as to a fish-pass two feet square being more than is desirable in numerous instances, *ib.* 2602, 2603——Danger of injury to many dams by making a notch or opening in them; in the great majority of cases injury need not arise, *ib.* 2626-2635——Conclusion as to the impracticability of taking water for fish-passes at weirs, unless it be surplus water, without injuring the milling powers, *ib.* 2690-2693.

Witness has studied the plan of pass proposed by Mr. Paterson and Professor Rankine, and is satisfied that it can be carried out in all cases where there is surplus water, without diminishing the milling power, *Roberts* 2784 *et seq.*——The plan can be adopted in almost every case without injury to the weirs, *ib.* 2790. 2922-2928. 3009-3013——Conclusion as to the sufficiency of a much smaller inlet or opening than is proposed by Mr. Paterson, *ib.* 2800-2802——Great advantage to the salmon fisheries generally by making a notch or inlet in the crest of each weir, and by constructing a fish ladder in connection therewith, *ib.* 2812-2818.

Concurrence in the views of Mr. Paterson and Professor Rankine as to the facility of utilising the surplus water at weirs, and of supplying fish-passes therewith, *Gray* 3134-3143. 3153, 3154——Exceptions taken to the proposal of Mr. Paterson for making an opening in the crest of every weir; great injury thereby to many mills, *Willis-Bund* 3394. 3400-3402. 3410-3413. 3610-3617——Reference to a certain model as showing that a notch may be cut in every mill-dam without injuring the mill, *Whyte* 3714-3716.

Statement in support of the plan proposed by Mr. Paterson and Professor Rankine, *Walkey* 3921-3932——In the great majority of cases openings may be made without difficulty, *Lloyd* 4555-4557——Exception taken to Mr. Paterson's views relative to the construction of passes, *Garnett* 7801——Opinion that the same form of pass may be applied to all rivers, *Brady* 8276.

4. *Proposed formation of Passes by the side of the Weirs:*

Evidence in explanation and approval of a system of artificial passes for salmon by the side of the weirs; important advantages of these passes as obviating interference with mill dams, and as greatly facilitating the ascent of the fish, *List* 2471-2483. 2543-2559——Important

Report, 1870—*continued.*

FISHWAYS OR SALMON LADDERS—continued.

4. *Proposed formation of Passes by the side of the Weirs*—continued.

—— Important advantages of fish-passes constructed by the side of weirs, rather than in the weirs; undue expense in some cases, *Bateman* 2729-2742——Approval of power to acquire land adjoining weirs, in order to carry out the construction of fish-passes, *ib.* 2759, 2760——Facility in many cases of constructing a fish-pass in the bank by the side of the weir, *Roberts* 2919-2921——Suggestion for the formation of a side fish-pass in cases where a notch in the weir cannot readily be made, *Whyte* 3721-3724. 3736.

5. *Number and Character of Fishways already formed:*

Reference to the chief productive rivers of the country as either free from weirs, or as provided with efficient passes, *Walpole* 69——Numerous passes built under the Act of 1861, though not formally approved of; very beneficial results consequent, *ib.* 70-76. 91. —— Instances of the construction of very efficient passes, as on the Coquet, the Ribble, the Dee, &c., *ib.* 118, 119——Failure of passes in numerous instances, owing to different causes, *ib.* 120, 121. 615-621 —— Conclusion as to certain fish-passes being binding on all parties, though they have not been formally approved by the Home Office, *ib.* 490, 491.

Particulars relative to certain fish-passes constructed by witness, under the Glasgow Waterworks Act, in order to enable the salmon to pass into Loch Vennacher and Loch Katrine; alterations contemplated in these passes, *Bateman* 2650-2681. 2719-2721—— Information relative to sundry passes constructed by witness, showing the size and mode of arrangement of the pools forming the ladder, the depth, velocity, &c.; very successful results attained, *Roberts* 2826 *et seq.*; 3015-3027—— Construction by witness of several effective fish-passes, such passss being of primary importance, *Dunbar* 5313-5323

6. *Practice in Ireland as to the provision of Fish-passes:*

Details in explanation and approval of the proceedings adopted in Ireland in regard to the construction of fish-passes or free gaps, *Brady* 7903. 7907-7912. 7972 *et seq.*——In many cases the miller has been compelled to make the pass, *ib.* 7903——In two instances the millers or millowners have opposed the action of the Commissioners, but have been compelled by law to yield, *ib.* 7907-7912.

Belief that in the case of every pass in Ireland, a notch has been cut in the crest of the weir; this has been done without injury to the weir in any case; sundry instances of this, *Brady* 7942-7964——Successful adoption in America of the Irish plan of fish-pass, *ib.* 7997, 7998.

Form of fish-pass in Ireland further adverted to, it having been designed by Mr. Forsyth; faulty alterations of Mr. Forsyth's plan in applying it in England, *Brady* 8074. 8274——Reference to two contracts for the construction of passes, an undertaking being given in each case not to injure the weir, *ib.* 8075-8077——Practice in regard to surveys, there being a responsible engineer as well as a responsible contractor in each case, *ib.* 8079, 8080——Decision by the inspectors in Ireland whether the objections made by millers to fish-passes are frivolous, *ib.* 8273——Non-interference of Boards of Conservators in the construction of fish-passes, *ib.* 8315.

7. *Conclusions of the Committee:*

Absolute necessity of increased powers for the removal of obstructions to the passage of the fish, *Rep.* iii——Facility, in the majority of cases, of providing a passage without injury to the milling interest, *ib.* iv——Impracticability of applying a uniform system of fish-pass to every dam or weir, *ib.*—— Proposed power in the central authority, under certain conditions, to direct the construction of fish-passes, *ib.*

See also *Ballisodare. Clitheroe Weir. Cost of Fish-passes. Dee River. Dinsdale Dam. Galway Weir. Gradient. Portlaw. Powick Weir. Ribble, The. Trent Fisheries. Valves or Sluices. Wharfe, Derwent, &c.*

Fixed Engines. Improvement of the fisheries owing to the removal of fixed obstructions, *Walpole* 32——Illegality of fixed nets at night or at any other time, *ib.* 638-641—— Amendment proposed in order to render more effectual the prohibition of fixed engines, *Willis-Bund* 3201-3206——Want of inquiry into the question of fixed engines claimed by the Crown, *Lloyd* 4580; *Rep.* iii——Suggestion that after a stated time all fixed engines not inquired into be deemed illegal, *Lloyd* 4580-4582.

See also *Special Commissioners. Tyne Fisheries*, 5, 6.

Flood-Guards. Self-acting flood-guard, by means of which the flow of too much water through a fish-pass may be prevented, *Roberts* 2911-2915.

Forsyth Ladders. Failure of many passes, such as those built on Mr. Forsyth's plan; considerable cost of some of these, *Walpole* 615-621——Opinion favourable to the Forsyth ladder;

Report, 1870—*continued.*

Forsyth Ladders—continued.

ladder; its success in Ireland, *Phillips* 1821–1828. 1899, 1900——Explanation that the fish-pass consisting of steps is erroneously called the Forsyth plan, *Brady* 7914. 7936. 8074. 8274.

G.

Gaff. Suggested restriction in regard to the use of the gaff, *Fenwick* 1063——Advantage if the gaff were prohibited during the time the kelts are in the upper waters, *Lewis* 6809–6818——Advantage of prohibiting the use of the gaff as much as possible, *Brady* 8295, 8296.

Galway Weir. Details relative to the Galway weir and fish-pass, the former being 600 feet long and the aperture being two feet square; excellent effect of this aperture in facilitating the ascent of the salmon and rendering the fisheries of great value, *Roberts* 2802–2808. 2843–2870. 2987–2991. 3017–3028——Several sources and interests from which the expense of the Galway dam and fish-pass were defrayed, *ib.* 2867–2870. 3029–3031——Success of all fish ladders constructed on the principle of the Galway pass, *ib.* 2959–2962——Everything that is necessary is done by Mr. Ashworth to make the fishery as productive as possible, *ib.* 2990——Congregation at times of immense numbers of salmon at the foot of the Galway dam and fish ladder; there is no poaching now at this point, *ib.* 3004–3008.

Great improvement in the Galway river since the construction of a pass, *Miller* 4815–4821. 4869–4873——Eminent success of the pass at Galway, *Brady* 7952–7954.

Garnett, Thomas. (Analysis of his Evidence.)—Is partner in the firm of Garnett & Co., cotton manufacturers at Lowmoor, Clitheroe; has for more than forty years taken great interest in salmon fisheries, 7773–7782. 7844. 7847. 7853——Improvement in the Ribble fisheries for a time after the Acts of 1861 and 1865; subsequent falling off from increased net fishing, 7783–7785. 7857, 7858——Particulars relative to the fish pass at the Clitheroe Weir, and the alterations directed to be made by the fishery inspectors; conclusion as to its efficiency in its original state, 7787–7797. 7812, 7813.

Suggestions for the construction of fish passes generally, so as to secure a predominating current and other elements of efficiency, 7787. 7801. 7850——Complaint as to the serious expense imposed on witness in the matter of the alteration of the Clitheroe Pass, 7798–7800——Exception taken to Mr. Paterson's views relative to the construction of passes, 7801——Statement as to salmon never ascending the rivers or the weirs unless there is a fresh, 7801, 7802. 7842.

Suggestion that boards of conservators be elected by the riparian owners and the licensees, 7803–7806. 7859–7861——Approval of the present annual close time, save that it should cease a month earlier in the estuaries, 7807, 7808. 7811. 7846. 7858——Primary importance of giving the upper proprietors a much better supply of fish, 7808. 7826–7832 7846–7852——Suggested extension of the weekly close time, witness proposing to prohibit all net fishing at night, 7808–7812. 7835, 7836.

Approval of certain restrictions on fishing in the vicinity of weirs; that is, below the weirs, 7814–7817——Expediency of curtailing trout fishing in salmon rivers, 7818, 7819——Particulars relative to the use of haaf-nets and trammel nets in the Ribble, some restriction being especially desirable as regards the former, 7820–7823. 7833–7836——Proposed regulations by Act of Parliament relative to the size of the meshes of nets, 7824–7826.

Very few days during the year in which the Ribble is in such a state that the salmon can traverse it, and reach the upper waters, 7828–7832——Unfairness of the same scale of licenses for the different parts of a river, 7837——Approval of power in water-bailiffs to traverse the banks of the rivers, 7838–7840——Objection to Mr. Walpole's proposal for buying portion of the water from the miller, 7841, 7842.

Great importance attached to artificial breeding, 7843, 7844—Hardship in the expense of fish passes being charged upon the millowners, 7845——Utter inefficiency of the Dinsdale Pass, *ib.*——Expediencey of limiting the river fishing to three days a week during the month proposed to be taken from the estuary fishing, 7846.

Approval of millowners being compelled to allow the construction of fish passes, witness believing that an effectual passage may be provided in every case, 7848–7850——Facility of raising a tax on the fisheries for the construction of passes, 7851, 7852——Objection to boards of conservators having compulsory powers of purchase, 7854–7856——Evil of the great increase of net fishing whenever any fishery has much improved, 7856, 7857.

Girvan River (*Ayr*). Decision by the Court of Session in 1869 that it was obligatory upon the owner or occupier of a certain mill on this river to provide a heck or grating at the mill race, *Dunbar* 5229–5235.

Report, 1870—*continued.*

Gradient (*Salmon Ladders*). Instances of salmon ascending a gradient of one in six, *Bateman* 2665–2667——Sufficiency of a gradient of one in seven, *Gray* 3131–3133.

GRATINGS (*MILL RACES, &c.*):

Importance of all mill races being furnished with a grating during certain periods of the year, *Walpole* 409–411. 644–647——Obstacle to the application of gratings to the channels used for irrigating the meadows bordering on the Avon, *Fane* 868–871.

Concurrence of evidence as to the importance of power to compel the provision of gratings at head races and tail races of mills; detailed suggestions on the subject, *Fenwick* 1098–1103. 1175–1185; *Hutton* 1392–1398. 1450–1453. 1476–1480. 1494–1499; *Phillips* 1768–1777; *List* 2565–2568; *Bateman* 2639. 2642–2648. 2695–2698; *Roberts* 2964–2978. 3014; *Gray* 3160–3170; *Walkey* 3948–3958. 4033. 4053–4055; *Hallett* 4220; *Dunbar* 5229–5237.

Destructive turbine some years ago on the River Lee, near Cork; necessary use of gratings since that period for keeping the small fish away from turbines, *Bateman* 2639. 2683–2689——Difficulties in regard to gratings at mill races, on account of their liability to be blocked up or choked with leaves, weeds, &c.; suggestions as to the best form of construction of such gratings, *ib.* 2642–2648. 2695–2698. 2712–2718. 2728——Any extra expense in cleaning the proposed gratings should fall upon the fisheries, *ib.* 2646——Much less difficulty in cleaning the gratings if the bars are vertical than if they are horizontal, *ib.* 2728——Importance of vertical bars on the score of cleaning, *Gray* 3164.

Great obstacles to the proposed application of gratings to the tail races of mills; illustration of this in the case of witness and adjoining millowners on the Teme, *Willis-Bund* 3221–3235——Suggestions on the subject of the provision of gratings at mill races and irrigating streams; recommended adoption generally of the form of gratings in successful use at Brightley Mill, *Whyte* 3652–3659. 3700–3707. 3720——It should rest entirely with boards of conservators to see that gratings are provided, *ib.* 3655–3659——Suggestions as to the mode of construction so as to facilitate the removal of leaves, &c., *ib.* 3700——The grating might be at the head of the mill leat from the 15th December to the 1st June, *ib.* 3700–3702——The grating might be placed at the tail race on the 1st June and be taken up on the 1st November, when the leaves begin to fall, *ib.* 3702. 3720.

Proposed power to apply gratings to mill races and irrigation streams, *Lloyd* 4563, 4564. 4579——Decision by the Scotch Court of Session in 1869, that it was obligatory upon the owner or occupier to erect hecks or gratings at mill races, *Dunbar* 5229–5235——Illustration of the importance of a grating at the head of the mill stream, *ib.* 5337, 5338.

Details relative to the course pursued as regards gratings to mill races in Ireland; suggestions hereon as to the mode of construction of the gratings, *Brady* 8147–8159. 8330–8334——Application by a large proportion of the milling interest to be exempted from the provisions as to gratings, *ib.* 8326–8329.

Diagrams illustrating the general principle of construction for fish guards, as required on the watercourses connected with milling premises in Ireland, *App.* 316, 317.

Proposal by the Committee that local boards be empowered, under certain conditions, to make bye-laws requiring that gratings be placed across the head and tail race of mills, and across any artificial channel, *Rep.* v.

Gray, Richard Armstrong. (Analysis of his Evidence.)—Civil Engineer; has had considerable experience of mill-dams and fish passes in Ireland, and has since 1864 designed several passes for the Special Commissioners of Irish Fisheries, 3033–3047. 3155, 3156——Very efficient pass at Ballincollig on the Lee, without the slightest injury to the Powder-mill Weir in which it was made; particulars hereon, 3051–3056. 3074–3110. 3152. 3172–3174——Information relative to the pass designed by witness at the Cork Waterworks Weir; its efficiency, whilst there is no apprehension of injury to the weir, 3057–3073. 3113–3120.

Facility of constructing gaps or passes in all weirs without injury to the weirs, 3111–3119. 3151, 3152——Faulty construction of the gap in the Lismore Weir, owing to which some damage was caused, 3111, 3112——Suggestions as to the depth of water required for fish passes, and the means of obtaining it where the top of the dam cannot be cut into, 3121–3126——Importance of the foot of the pass not projecting beyond the line of the weir, and being readily found by the salmon, 3127–3130——Sufficiency of a gradient of one in seven, 3131–3133.

Concurrence in the views of Mr. Paterson and Professor Rankine as to the facility of utilising the surplus water at weirs, and of supplying fish passes therewith, 3134–3143 3153, 3154——Explanation relative to a sluice, not self-acting, designed by witness for regulating the flow through fresh passes, 3140–3150——Great advantage of the ladder system as compared with the pool system, 3157–3159——Suggestions relative to gratings at mill races; arrangements at Cork and Bandon adverted to, 3160–3171.

H.

Haaf Nets. Sufficiency of bye-laws as a means of dealing with the abuse arising from haaf nets, *Walpole* 721–728.

Haig, George Augustus. (Analysis of his Evidence.)—Is a large landowner in Radnorshire, there being five small salmon streams on his property, which unite and form the Ithon, 4260–4265——Effect of the presence of salmon in diminishing the quantity of trout in these streams, 4265–4268——Very few old salmon properly captured in witness's district; conclusion that there is, however, a large destruction of fish on the spawning beds, 4269–4275. 4290–4316——Complaint as to witness and those living on the upper streams of the Ithon being debarred by law from capturing the young salmon by rod and line fishing; argument in support of the removal of this restriction, 4273 *et seq.*

Suggestion that fair rod and line fishing for young salmon be allowed in these streams during the trout fishing season, 4277, 4278——Much larger quantity of young salmon when rod and line fishing was formerly allowed than at present, 4279. 4286. 4469——Proposed prohibition of net fishing concurrently with the allowance of rod fishing, witness contending that the result would show a great improvement in the salmon fishery, and that the people would find it to their interest not to kill the spawning fish, 4280–4289. 4319 *et seq.*

Explanation as to witness, though a magistrate, having refrained from any action against the salmon poachers in his district, 4303–4316. 4362–4372. 4430–4440. 4455——Desire of several proprietors in Radnorshire that it should be permitted to spear the old salmon under certain limitations; statement in support of this being allowed for six days in the year, just before the close time, 4320–4324, 4410. 4413–4416. 4442–4477.

Suggestions for a moveable weekly close time, 4327–4337——Statement in favour of the license for rod fishing and for spearing, as proposed in witness's district, being only 1 *s.*; doubt as to this inducing immense numbers to fish, 4341–4361. 4417–4420——Practice as to the fining of poachers; they are never sent to prison, 4369–4372. 4430–4440. 4478–4481——Circumstance of witness never attending the meetings of the local fishery board; action of the board for the prevention of poaching, 4376–4384. 4421.

Concurrence of several Radnorshire magistrates in the views expressed by witness, 4422–4429—— Grounds for concluding that a restricted permission to spear the old fish would tend to increase the fishery, by preventing poaching during the spawning season, 4442–4469——Willingness of witness to waive the proposal as to spearing if fair rod and line fishing for young salmon be allowed, 4472.

Hale, George. (Analysis of his Evidence.)—Represents the fishermen of Stockton, for whom he acts as treasurer and secretary, 6361–6364——Concurs generally in the evidence of Mr. Wilson, 6365, 6366——Willingness of the fishermen between Stockton and the sea not to commence fishing till the 1st May, whilst they would not object to the men up the river commencing on the 1st April, 6367–6377. 6429–6432——Proposed extension of the fishing season by seventeen days at the other end, that is, till the 17th September, 6378, 6379. 6433, 6434. 6444–6446——Advantage of the minimum size of the mesh of nets in the Tees being 1¾ inches, so as to facilitate the capture of trout, 6380, 6381. 6461, 6462.

Expediency of an extension of the weekly close time in the tidal waters of the Tees, 6382, 6383. 6393, 6394——Excellent quality of the red fish frequenting the Tees in September, 6384–6392. 6463. 6477–6484——Great improvement expected in the river if the Dinsdale dam be removed, 6395–6398——Constant poaching formerly at the dam, 6399–6405. 6449–6452.

Restrictions desirable as regards the sparling nets used in the Tees below Stockton, 6406–6414——Decided objection to a prohibition of night net fishing in the Tees, 6415–6418——Approval of power in local boards to make bye-laws, subject to central authority, 6419. 6424, 6425——Expediency of license-holders being represented at the local boards, 6419–6423——Advantage of the abolition of stake nets in the Tees, 6426–6428.

Statistics relative to the increase of the Tees fisheries since 1861, whilst they had previously decreased, 6435–6446——Very destructive character of hang nets as compared with draft nets, 6453, 6454——Doubt as to the fish taken in hang nets being much injured in quality, 6455, 6456——Practical prohibition of hang nets if the mesh be reduced in size, 6457–6460——Circumstance of there being three kinds of salmon and three kinds of trout in the Tees; particulars hereon, 6463–6484.

Report, 1870—*continued.*

Hallett, William Trelawny. (Analysis of his Evidence.)—Is chairman of the board of conservators for the Axe fishery district, 4128-4130——Want of increased power in water-bailiffs with regard to entering upon land, 4133-4135. 4219——Satisfactory constitution of the Axe Board of Conservators, 4136-4140——Statement of the income of the board and the mode in which expended, 4141-4144. 4230-4233——Great improvement of the salmon fishery in the river since the Act of 1861 ; much greater improvement but for the weirs, 4145-4166.

Particulars relative to the weir near Axminster, the great obstacle thereby to the ascent of the fish, and the difficulty of making a proper pass in the weir, through fear of damaging or destroying it, 4148-4165. 4176, 4177. 4244. 4247, 4248——Want of compulsory powers for the construction of passes in weirs ; how the money might be raised in the case of the Axe Board, 4164-4175——Evidence as to the want of a very late close seasan for the Axe, 4178-4195. 4221, 4222.

Approval of power in boards of conservators to make bye-laws, subject to central control, 4196-4200——Advantage of some power being given to control not only the use of nets but the size of the mesh, 4205-4215——Great improvement expected in the Yarty fishery through the provision of a fish pass in the weir, 4221—— Doubt as to the Government Bill of last Session having contained very valuable provisions, 4225-4229.

Objection to rating the owners of several fisheries in the Axe, 4234-4238——Inexpediency of prohibiting net fishing in fresh waters, 4239-4243——Improbability of Parliament making grants for the purchase of weirs, 4245, 4246——Steps taken by witness for ascertaining the temperature of the Axe at different points with reference to the ascent of the fish, 4249-4254.

Hampshire. Inefficiency of many of the fish-passes in Hampshire, on the ladder system, *Walpole* 121.

Hang Nets :

1. *Evidence in Condemnation of Hang Nets, as in the Tyne and Tees.*
2. *Evidence in Defence of Hang-net Fishing.*
3. *Different License required for the Hang Net and for the Draft Net.*

1. *Evidence in Condemnation of Hang Nets, as in the Tyne and Tees :*

Very injurious effects of the use of hang nets in the Tyne, *Walpole* 186–193. 289, 290 ——Want of restriction upon the length of the nets and the size of the mesh, *ib.* 193–197.

Circumstance of the salmon caught in the hang nets being greatly injured or damaged and frequently killed ; question hereon whether the nets are not on this score illegal, *Cuthbert* 2130–2148. 2167–2170. 2184–2186. 2280–2283—— Very injurious effect of the hang nets not only in decreasing the supply of salmon, but in increasing the supply of bull trout, *ib.* 2166. 2171–2183. 2387–2390 —— Tendency of the hang nets to drive the fish out to sea, *ib.* 2198–2202. 2289. 2306,2307——Proposed limitation of the length of hang nets, with a proviso for additional duty when they exceed 100 yards, *ib.* 2213, 2214. 2365——Difficulty in enforcing the payment of a separate license-duty for each hang net, *ib.* 2359–2364.

Very damaged state of the salmon taken in hang nets; decided approval of the prohibition of these nets, *List* 2580–2583 —— Evidence in strong condemnation of hang nets, the use of which should be greatly restricted, if not prohibited altogether, *Miller* 4713–4724. 4850–4853. 4880–4887——Great depreciation in the quality and flavour of the fish caught in hang nets, the value of the fish being diminished nearly one-half, *ib.* 4714–4724. 4850–4853.

Strong condemnation of the hang net as used in the estuary of the Tyne ; expediency of its total prohibition ; *Dunbar* 5261–5293. 5305–5307. 5324–5329. 5346–5358. 5373–5378——The nets are joined together, and witness has seen some miles of net out at the same time, *ib.* 5264–5269—— Very damaged state of the fish taken in hang nets, *ib.* 5279–5289.

Very extensive and destructive use of hang nets in the sea near the Tees and the Tyne, greatly to the detriment of the salmon fisheries, *Wilson* 6099–6115. 6299–6301 —— Proposed prohibition of hang nets in rivers or within three miles of the mouths of rivers, *ib.* 6175–6177. 6310, 6311 —— Injury caused to the quality of the fish, *ib.* 6301.

Very destructive character of hang nets as compared with draft nets, *Hale* 6453, 6454 —— Doubt as to the fish taken in hang nets being much injured in quality, *ib.* 6455, 6456——Practical prohibition of hang nets if the mesh be reduced in size, *ib.* 6457–6460.

Report, 1870—*continued.*

HANG NETS—continued.

2. *Evidence in Defence of Hang Net Fishing:*

Description of the drift or hang net as used by the Cullercoats fishermen; denial that the net is very destructive, or that the salmon are constantly killed in the net, and greatly deteriorated as an article of food, *Lisle* 5454-5456. 5461 *et seq.*; 5671-5722. 5778 *et seq.*——An ordinary net is from 100 to 200 yards long, but several nets are sometimes fastened together, *ib.* 5478-5487——Exceedingly rare instances of unclean fish being caught in the hang nets, *ib.* 5515-5517. 5735, 5736. 5887-5892. 5911-5913——Average of about ten pounds as the weight of the fish caught in the hang nets; fish under seven pounds going through the mesh, *ib.* 5522-5524——Occasional loss of nets through storms and through passing vessels; instances at such times of the salmon being killed in the nets, *ib.* 5530-5533. 5709-5712. 5861——Very long period for which hang nets have been used in the sea, *ib.* 5703-5708.

Very rare instances of unclean salmon being taken in the hang nets, *Bolam* 5957-5959. 5991-5994. 6024-6028——Similar price fetched by the fish taken in the hang nets and by those taken in the draft nets, *ib.* 5960-5966. 6057-6060——Use of hang nets for salmon fishing in the Tyne estuary only since 1867, though previously used for trout, &c., *ib.* 6047, 6048.

3. *Different License required for the Hang Net and for the Draft Net:*

Opinion of Mr. Henry Matthews, Q.C., dated May 1869, as to the necessity of a different license for the hang net and for the draft net, *App.* 297.

See also *Tyne Fisheries*, 5, 6.

Harris, Thomas. (Analysis of his Evidence.)—Resides at Llechryd on the banks of the River Teify, there being a considerable number of fishermen in the locality, 6844-6855——Use of the coracle net in the fresh and tidal waters of the Teify, draught nets being used in the estuary, 6856-6863——Expediency of an extension of the fishing season in the Teify till the 1st November, the river being a late one, 6864-6873. 6985-6988——Suggested amendment also of the weekly close time, 6874-6879.

Advantage if the Teify Fishery Board were re-constituted, and if every license holder had a voice in the election of members, 6879-6887—— Complaint in regard to the large increase of the license for coracle nets; improper action in the matter of certain members of the Fishery Board, 6888-6895. 6938-6940. 6963. 6994-6998. 7002-7010. 7030, 7031——Suggested reduction in the size of the mesh of the net in June and July when the sewen are in the river, 6896-6902.—— Improvement if the accounts of expenditure by the local board were published, 6903-6909.

Suggestion for dispensing with water bailiffs in the Teify in the fishing season, and for increasing their number in the close season, 6909-6924. 6989-6993. 7011——Decrease for several years past in the Teify salmon fishery; probable causes, 6925-6937——Particulars relative to the standing nets or fixed engines used in the tidal water; expediency of these being entirely prohibited, 6941-6962. 7018, 7019——Advantage of a sliding scale of licenses; how it might be regulated, 6963-6972.

Prohibition desirable upon angling for trout in April and May, on account of the numerous young salmon thus destroyed, 6973-6981——Approval of some restriction as regards poachers being allowed to take a license, 6999-7001——Average of from 10 *l.* to 12 *l.* as the earnings of each coracle net, employing two men, 7015-7017—— Statement relative to the Kenarth obstruction in the Teify, and the obstacles to its removal, 7020-7025. 7033-7046——Impression as to there being already sufficient powers for dealing with pollutions in rivers, 7026-7029. 7032——Want of power for limiting the fishing season, 7047.

Holburnhead Fishery. Important improvement in this fishery, *Dunbar* 5258, 5259.

Home Office. Conclusion that the Home Office should be the controlling authority over the Boards of Conservators, *Fenwick* 1064-1068—— Change of practice of the Home Office, since the time of Mr. Ffennell, on the subject of the compulsory provision of fish-passes, *Whyte* 3661-3665. 3796-3802.—— *See* also *Board of Trade.*

Hutton, Colonel George Morland. (Analysis of his Evidence.)—Is Secretary to the Trent fishery district, 1244——Great extent of the district, whereas the salmon fisheries are very unproductive, the income from licenses in 1869 having been only 70 *l.*, 1245-1255. 1485——Effect chiefly of the weirs in preventing any development of the Trent fisheries; very injurious effect also of pollutions, 1256-1267. 1324, 1325——Particulars relative to the numerous weirs on the Trent, and its tributaries; total of thirty-six weirs, seventeen of which are very obstructive, 1259-1263. 1305-1311.

Efforts made by the Trent Board to provide fish-passes, 400 *l.* having been expended for the purpose, 1268-1270——Objections made by the owners of the weirs to the construction of passes, 1271. 1282——Failure of the ladder on the Forsyth principle at Donnington weir, 1271-1279. 1283——Expediency of a systematic inquiry by the Special

Report, 1870—*continued.*

Hutton, Colonel George Morland. (Analysis of his Evidence)—*continued.*

Special Commissioners into the legality of the weirs in the Trent and other fishery districts, 1281–1291. 1311. 1341–1348. 1464–1470. 1554–1559.

Importance of power being given for the construction of fish-passes in the weirs on the Trent, &c.; also for the purchase of the weirs, 1292, 1293. 1349–1354. 1425–1433. 1471, 1472——Great improvement feasible in the Trent fisheries, the river being peculiarly suitable for salmon, and having been very productive formerly, 1294–1304. 1508–1513. 1563——Question considered as to the means of the Trent Board for raising funds for the construction of fish-passes, and for compensating the owners of the weirs in case of removal, 1312, 1313. 1341–1356. 1429–1433. 1552, 1553. 1561–1573.

Statement relative to the recent erection of weirs at Tutbury, and on the Churnet, 1305–1311. 1346, 1347. 1481–1483. 1558–1562——Employment of a constable by the Trent Board as water-bailiff, 1314–1318. 1404–1406——Very little interest now taken in the fisheries by the conservators, enlarged powers being essential, 1319–1325. 1348–1350. 1458–1460——Conclusion that a fish-pass may be made in every weir, without injury to the weir or to the mill; suggestions as to the mode of construction, 1326–1340. 1421–1424.

Evidence in favour of bye-laws relative to close time, licenses, &c., being prepared by the local boards, and being confirmed by the Special Commissioners, who should hold a court for the purpose, 1357–1363. 1412–1417. 1463. 1486, 1487. 1524–1529——Expediency of restrictions upon the use of smelt nets in the Humber, these killing a large quantity of salmon fry, 1364–1374. 1530–1542——Suggestion that local boards might have power to regulate licenses up to a certain maximum, 1375–1380. 1412–1417. 1504–1507.

Absence of complaint as to the constitution or working of the Trent Fishery Board, 1381–1383. 1418–1420. 1463——Opinion favourable to a fixed annual close time for all rivers; difficulty otherwise as to illegal sale, 1384, 1385. 1442–1449. 1473–1475——Approval of a longer weekly close time in the lower waters, 1386. 1500–1503. 1574, 1575——Objection to netting within 100 yards below a dam, 1387, 1388——Non-objection to netting above the dam, 1389–1391——Importance of gratings at the head and tail races of mills; suggestions hereon, 1392–1398. 1450–1453. 1476–1480. 1494–1499.

Approval of power in water-bailiffs to traverse the banks of salmon rivers, 1399, 1400——Want of a close season for eel-fishing, 1401–1403——Advantage if the Special Commissioners were a permanent board, and were to exercise the duties of the inspectors, 1407–1411. 1427, 1428. 1457——Improvement if net fishing were prohibited in the upper waters, 1436–1439.

Suggested license on trout nets, 1488——Power of the salmon to ascend all the weirs in the Trent in flood time, 1489–1491. 1543–1545——Obstacle to the purchase of a certain mill-dam owned by the Duke of Newcastle, 1491–1493. 1564–1573—— Reference to the operations on the Trent of an angling association at Nottingham; probable advantage if the Board of Conservators acted in concert with this association, 1514–1523.

Very dry seasons in the Trent district for the last few years, there being fewer young fish, 1546–1549—— Large destruction of salmon fry in the river by pike; also of trout, 1577–1580. 1584——Considerable quantity of trout in the river, it being well suited for them, 1581–1587.

I.

Inquiry (*Legality of Weirs, &c.*). Opinion that a special inquiry would be useless and impolitic in the case of ordinary mill-dams, *Walpole* 107–112——Incomplete character of the inquiry by witness and his colleague, as to the number of weirs remaining to be considered on the score of illegality, and as interfering with the passage of the fish, *ib.* 432–435——Opinion as to its not being necessary or desirable that the inspectors should in all cases make local inquiry before action is taken for the removal of dams, &c., *ib.* 679–690.

Expediency of a systematic inquiry by the Special Commissioners into the legality of the weirs in the Trent and other fishery districts, *Hutton* 1281–1291. 1311. 1341–1348. 1464–1470. 1554–1559—— Approval of inquiry into the legality of weirs and the construction of fish-passes being made by the Special Commissioners, or by a central fishery board, *Phillips* 1712–1722. 1782–1788. 1881–1886—— Proposition that an organised court of inquiry should visit the salmon fisheries in regular order, without waiting for applications from local boards, *Whyte* 3678. 3747–3749. 3806–3809. 3836. 3865, 3866——Grounds for objecting to the power of the Special Commissioners to call for title deeds; sixty years' possession should be deemed sufficient, *Surtees* 7323–7337. 7449.

Inquiry by the Irish Special Commission into the legality of certain fishing engines, *Brady* 8319–8323——Single instance of inquiry by the commission into the legality of a mill-dam, *ib.* 8324, 8325.

Additional powers recommended by the Committee to be given to the Special Commissioners to inquire into the legality of obstructions, *Rep.* iv.

See also *Special Commissioners.*

Report, 1870—*continued.*

Inspectors of Fisheries. Information relative to the functions and duties of the inspectors, *Walpole* 599-609——General superintendence exercised over the salmon fisheries by witness and his colleague, *ib.* 600——Very extensive correspondence of the inspectors, *ib.* 602–608.

Witness would merge the inspectors in the Special Commissioners, *Vane* 959, 960——Importance attached to the functions performed by the inspectors on the part of the Home Office; difficulty if the local boards were entirely uncontrolled, *Fenwick* 1189. 1196–1199. 1206–1208——Want of a proper definition of the duties of the inspectors, *Whyte* 3673, 3674. 3853–3855——Hurried visits of the inspectors to the Taw and Torridge districts; witness however does not complain of neglect on their part, *ib.* 3683, 3684. 3810–3815. 3850–3852——Suggestion that the county surveyors might act as district inspectors, *Walkey* 3990, 3991. 4028. 4069–4075.

The inspectors should be responsible to the proposed central board, *Brady* 8221——Varying periods at which the inspectors in Ireland visit the different rivers, *ib.* 8235–8237.

See also *Fishery Board or Commission.* *Special Commissioners.*

Ireland. Separate inspectors contemplated for Ireland if a central board be established; witness in fact does not propose to interfere with the system in Ireland, *Phillips* 1785. 1787–1794. 1891–1894——Excellent effect in Ireland of the prohibition of net fishing at night, *Owen* 1933–1936——Very efficient state of the law in Ireland for the protection of the fisheries, *Roberts* 2996——Examination relative to the increase in the Irish fisheries, and the causes thereof, *Miller* 4866–4877.

Very full powers now possessed by the inspectors of Irish fisheries, of whom there are three; transfer to them of the powers of the former commissioners, *Brady* 7883–7889——Extensive powers of the inspectors under the 91st section of the Act 5 & 6 Vict., c. 106, in regard to the making of bye-laws, *ib.* 7888, 7889. 8043-8051——Reference to a certain book compiled by witness as containing all the enactments on the subject of the Irish fisheries, an abstract of the bye-laws, an account of the license duties, close seasons &c., *ib.* 7890–7896.

Very satisfactory working of the present system for administering the Irish fisheries, *Brady* 7897——Full powers of the commissioners in Ireland as to the making of fish passes in mill-dams; mode of procedure in the matter, *ib.* 7901–7912——Particulars relative to several fish-passes in Ireland, showing the mode of construction in each case; very successful operation of these, *ib.* 7913. 7917 *et seq.*

Recognition by the Royal Commission on English Salmon Fisheries in 1860, of the importance of the Irish system of administration, *Brady* 8081——England is, in fact, far behind Ireland with regard to salmon fishery legislation, *ib.* 8082——Doubt as to the greater productiveness of the Irish than the English rivers being due to any superior natural advantages of the former, *ib.* 8232–8234.

See also *Boards of Conservators.* *Fishways, &c.*, 6. *Gratings* (*Mill-Races*). *Weirs, &c.*, 3.

Ithon River. See *Radnorshire.*

K.

Killaloe Weir. Cut made in the Killaloe weir without any injury arising, *Brady* 7955–7964.

Kippered Salmon. Proposed restriction as regards the sale of dried, or kippered salmon, killed in the close season; abuse on this score in Wales, *Lloyd* 4583. 4628–4632.

L.

Ladders. See *Fishways or Salmon Ladders.*

Lave Net. Particulars relative to the lave net, as used in the Severn and the Wye; amount of license paid, *Miller* 4941-4947.

Legislation. Expediency of proceeding by gradual legislation, *Walpole* 477, 478; *Dunbar* 5342–5345.——*See* also *Bill of* 1869.

Lewis, David. (Analysis of his Evidence.)—Is a fisherman at Kedwelly Fach, and fishes in the Towey for about five months in the year; during the close season is employed on railway or other work, 6655-6661. 6795–6801——Use of two boats or coracles by witness when net-fishing; description of this net, which is chiefly used within the tidal limits, 6662-6671. 6679-6693. 6830–6832——Statement in favour of the fishing season in the Towey being extended till the 31st October, it being a very late river, as the salmon do not come up till August, 6672-6678. 6684. 6732–6734. 6824–6826.

Suggested reduction in the size of the mesh of the net in the Towey from the 15th June till the 15th August; explanation hereon that during this period sewen only are caught, 6679–6686. 6784–6794. 6819, 6820——Importance of restrictions as regards the use of draught nets high up in the river, 6695–6698. 6771-6780——Amendments proposed in the constitution of the Towey Fishery Board, so that the fishermen generally may be fairly represented, 6699–6701. 6735-6754. 6781–6783. 6802-6805. 6821-6823——Undue

Report, 1870—*continued.*

Lewis, David. (Analysis of his Evidence)—*continued.*

——Undue increase recently made by the Fishery Board in the license for nets, 6709–6722.

Statement of the quantity and value of the fish taken by the nets; very small average earnings throughout the season, 6723-6726. 6795–6801. 6833–6843——Decreased capture of fish in 1869; great falling off since 1861, and the increased use of draught nets, 6727–6732. 6759-6779. 6806-6808——Expediency of a public inquiry before bye-laws are passed by local boards, 6755-6758——Advantage if the gaff were prohibited during the time the kelts are in the upper waters, 6809-6818——Aggregate of about 700 *l.* as the value of the net fishing in 1869; 6827–6829.

License Duties:

Expediency of the lower proprietors paying increased license duties, *Walpole* 159——Proposition for making the licenses personal, so as to prevent transfer; exception necessary in the case of several, or private fisheries, *ib.* 160–167——Approval of the amount of the license duties being left, as at present, to the central authority, *ib.* 399——Valuable amendment in the Bill of last session as to the approval of licenses, &c., *ib.* 459, 460.

Want of increased power in Fishery Boards to raise funds for dealing with weirs, *Fane* 844–847——Doubt as to there being any abuse in the transfer of licenses, *ib.* 859——Expediency of power in local boards to charge graduated licenses for nets, irrespectively of a maximum of 5 *l.*, *Fenwick* 1063. 1212–1223——Statement in support of the suggestion that local boards should have powers to charge a higher license duty than 5 *l.* for draught nets in the estuaries, *ib.* 1212–1223.

Suggestion that local boards might have power to regulate licenses up to a certain maximum, *Hutton* 1375–1380. 1412–1417. 1504–1507; *Phillips* 1737, 1738. 1741–1746. 1846–1849——Expediency of a prohibition upon the transfer of licenses: great abuse in this respect in the Dee, *Owen* 1916–1918. 1930, 1931. 1971–1973. 1980–1984. 2059–2065——Additional power proposed in Boards of Conservators in regard to the amount of license duties for nets, *ib.* 1942–1945——Proposal to make the license personal, *ib.* 1973. 1980–1984. 2059–2065.

Proposal for abolishing the net license and for substituting a license duty upon every person engaged in fishing, *Cuthbert* 2222——Several objections to which the present system of licenses in the Severn is open; suggestions for the amendment of the system, and for the adoption generally of a differential scale of licenses, *Willis-Bund* 3328–3339. 3572–3581——Extent to which the licenses should be made personal, *ib.* 3330–3335——Increased number of destructive engines represented by increased receipts from licenses, *Lloyd* 4591. 4623, 4624——Approval of graduated licenses for nets, *ib.* 4608–4613.

Exceptions taken to a power in boards of conservators to vary the rate of license duty in different parts of the same districts, *Miller* 4741–4753——Obstacle to the substitution of a personal license for a license for each net, in private fisheries, *ib.* 4763, 4764. 4802–4810——Suggestion that there be an increased license duty on nets when more than 100 yards long, *Wilson* 6169–6174——Advantage of a sliding scale of licenses; how it might be regulated, *Harris* 6963-6972——Unfairness of the same scale of licenses for the different parts of a river, *Garnett* 7837.

Information on the subject of license duties in Ireland; great improvement in England if a similar system were adopted, *Brady* 8093–8101——Increased license suggested for long nets, such as sweepers, *ib.* 8102–8105——Approval of an increased license duty upon nets in some districts, *ib.* 8244–8246.

Approval by the Committee of power in local boards to vary the license duties, *Rep.* v——Also to decide upon the form of license and mode of issue, *ib.*——Also to charge a higher license duty than is now authorised, *ib.*

See also *Rate.* *Rod Fishing.*

Lime. Proposed extension of the penalties for destroying fish by lime, *Walpole* 425; *Walkey* 4125-4127; *Lloyd* 4568, 4569.

Lisle, William. (Analysis of his Evidence.)—Is a fisherman at Cullercoats, on the coast near the Tyne; commenced salmon fishing in 1868; 5417–5421. 5426, 5427——Employment of from 200 to 300 men at Cullercoats in the salmon and other fisheries, 5422–5425. 5794–5799. 5942——Commencement of salmon fishing in the sea near Cullercoats in 1867, the fishery having improved through the removal of the Bywell Dam, 5428–5440——Very bad season in 1869 as compared with 1868; good prospects of the present season, 5441–5453. 5508–5514.

Description of the drift or hang net as used by the Cullercoats fishermen; denial that the net is very destructive, or that the salmon are constantly killed in the net, and greatly deteriorated as an article of food, 5454–5456. 5461 *et seq.*; 5671–5722. 5778 *et seq.*——Use formerly of stake or bob nets near Cullercoats; removal of these under the Act of 1861; 5457–5460——Exceedingly rare instances of unclean fish being caught in the hang nets, 5515–5517. 5735, 5736. 5887–5892. 5911–5913.

Report, 1870—*continued.*

Lisle, William. (Analysis of his Evidence)—*continued.*

Average of about ten pounds as the weight of the fish caught in the hang nets, fish under seven pounds going through the mesh, 5522–5524——Occasional loss of nets through storms and through passing vessels; instances at such times of the salmon being killed in the nets, 5530–5533. 5709–5712. 5861——Difficulty in capturing the fish when the nights are clear and still, 5534, 5535. 5747–5751——Advantage anticipated from the removal of the Woodburn Dam, 5540,5541.

Greater harm done by the draught nets than by the drift nets, 5542–5549——Approval of an enlargement of the mesh of the net for salmon, a smaller mesh being allowed for trout, 5550–5558——Objection to bye-laws relative to nets, &c. being made by the local boards, as the river interests are predominant, 5559–5563. 5620–5623. 5899–5905——Means of preventing the illegal capture of salmon in trout nets of a smaller mesh, used in the sea, 5564–5571. 5875–5881.

Capture of salmon out at sea only at night and after dark; rare exceptions to this rule, 5572, 5573——Suggestion that it be permitted to anchor the nets so as not to interfere with the Norwegian line fishing, 5574–5579——Practice as to cod fishing adverted to; advantage of facilities for taking cod near the shore in December and January, 5580–5588. 5755–5761. 5882–5886——Advantage as regards crab fishing if the salmon nets might be anchored, 5589–5592.

Evidence in support of permission to use nets of unlimited length and to anchor them; witness would consent in such case to a limitation as to fishing in the estuary, and to a postponement of fishing till the 1st April, 5593–5598. 5606–5617. 5667–5670. 5723–5734. 5752–5754. 5778–5788. 5800 *et seq.*; 5896, 5897——Belief as to salmon not going up the rivers to spawn before August, 5597, 5598. 5737–5744——Obstacle to the capture of mackerel near the Tyne on account of the nets not being allowed to be fixed, 5599–5605.

Approval of the present weekly close time, 5618, 5619——Expediency of regulations by Act of Parliament instead of by a central authority, or by local boards, 5620–5623. 5899–5905——Examination as to the constitution and action of the Tyne Board of Conservators; satisfaction expressed generally with the operation of the board, 5624–5637. 5862–5874. 5898. 5938——Exception taken to the licenses for sea fishing, as fixed by the Tyne Board, 5638–5643. 5766–5769. 5853–5860. 5898.

Belief that excessive net fishing in 1868 had nothing to do with the bad season in 1869; 5644–5648——Statement as to witness not having been aware that the Cullercoats fishermen were prohibited by the Tyne Act of 1842 from using the hang net within half a mile of the estuary, 5658–5667——Circumstance of the hang nets having been extensively anchored in 1868, many having been seized in consequence, 5685–5702. 5713–5722——Very long period for which hang nets have been used in the sea, 5703–5708.

Other means of living open to the Cullercoats fishermen in addition to salmon fishing; total employed in the fishery, 5789–5799. 5893–5895. 5914–5920——Obstacle to the use of nets of great length, the salmon, moreover, having sufficient facilities for reaching the river, 5800–5809. 5813–5833——Doubt as to any scarcity of supply in the Tyne through the action of the nets in the sea; impression that the upper proprietors have had their full share, 5813–5834. 5923–5937.

Probability of too many fish going up the Tyne with reference to the extent of the spawning grounds, 5822, 5823. 5836–5844——Advantage of prohibiting draught-net fishing in the estuary, 5819. 5831. 5833. 5845——Expediency of prohibiting rod fishing when the fish are ascending the river for spawning, 5835——Belief that a two-inch mesh would stop all salmon of four pounds, 5847–5850——Means of distinguishing an unclean fish, 5887–5890. 5911–5913——Late period of the season at which a power of anchoring the nets would be desirable, 5906–5910.

Lismore Weir. Faulty construction of the gap in the Lismore Weir, owing to which some damage was caused, *Gray* 3111, 3112.

List, George Henry. (Analysis of his Evidence.) — Is chief constable of the counties of Berwick and Haddington: has had great experience in the protection of the Scotch salmon rivers, 2418–2422——Large extent of the Tweed fisheries now under witness's charge, 2420–2422——Varying rental or value of the Tweed fisheries; important increase in recent years, 2423–2425. 2502–2507——Provisions in regard to assessment under the Tweed Acts of 1857 and 1859; absence of complaint, 2426–2429. 2488–2493.

Particulars relative to the employment of constables in order to prevent poaching in the Tweed and other rivers; excellent results of this system, 2431–2447. 2466–2470. 2527–2542——Much longer close season on the Tweed for nets than for rods; approval of this arrangement, 2448, 2449. 2484–2487. 2508–2517. 2560, 2561——Prohibition of fixed nets in the Tweed, and in the estuary within certain limits, 2451, 2452——Restrictions in regard to the use of weir shot nets in the Tweed, 2454–2458. 2519–2525.

Advantage of marking and numbering the boats used in salmon fisheries, 2459–2465——Usefulness of the power of constables on the Tweed to enter all lands adjoining the river, 2466–2470——Evidence in explanation and approval of a system of artificial passes

Report, 1870—*continued.*

List, George Henry—continued.

passes for salmon by the side of the weirs; important advantages of these passes as obviating interference with mill-dams, and as greatly facilitating the ascent of the fish, 2471-2483. 2543-2559——Inconvenience on the Tweed through the want of fuller powers to search, 2494-2501.

Important increase in the size of Tweed salmon since the removal of fixed engines, 2504-2507——Obstacle to giving any special advantage to nets in the upper part of the river, 2562, 2563——Difficulties in the way of a uniform close season for all Scotch rivers, 2564. 2570-2579——Want of power to put gratings at the tails of mill races in the Tweed, 2565-2568——Very damaged state of the salmon taken in hang nets; decided approval of the prohibition of these nets, 2580-2583.

Lloyd, John, Jun. (Analysis of his Evidence.)—Is a conservator of the Wye and Usk fishery districts, and is secretary of the Wye Angling Association; has for many years studied the subject of the salmon fisheries, 4483-4489——Proposed constitution of a central fishery board, 4490-4495. 4512. 4637——Suggestion that the proposed central board, rather than Boards of Conservators, should have power to make bye-laws, and to regulate the close time, &c., 4496-4504. 4603. 4605, 4606.

Expediency of increased restrictions as to the use of nets, and as to the size of the mesh, 4503-4510. 4570——Suggestion in regard to license holders being represented on the local boards, 4513-4518——Proposal that the riparian owners on the Usk and Wye be required to pay a rate, 4519——Exceptionally bad character of the last two seasons on account of their dryness, 4520. 4625-4627.

Approval of compulsory power in local boards to purchase fishing-weirs and mill-dams 4521-4525. 4532. 4592-4595. 4604——Importance of the purchase of the Trostre Weir on the Usk, 4526-4532——Expediency of a proper pass being made in the Umberleigh Weir on the Taw, 4533-4540——Recommended purchase of the Dinsdale Dam on the Tees; impression as to an offer having been made, 4541-4547. 4597, 4598.

Suggestion that compulsory powers be given for the construction of fish-passes, and that the owners of the weirs be in all cases required to join in the expense, 4548-4562. 4596. 4604——Proposed power also to apply gratings to mill races and irrigation streams, 4563, 4564. 4579——Approval of power in water-bailiffs to enter upon lands, 4565——Probable advantage of constables acting as bailiffs, 4566, 4567——Want of severer penalties for the destruction of fish by lime, 4568, 4569——Further check desirable as regards night poaching, 4571——Advantage of the boats being numbered, 4572, 4573.

Expediency of checking the removal of water from salmon rivers by canal companies, 4574-4577——Suggested removal of eel-traps between the 1st January and the 1st July, 4578——Want of inquiry into the question of fixed engines claimed by the Crown, 4580——Suggestion that after a stated time all fixed engines not inquired into, be deemed illegal, 4580-4582——Proposed restriction as regards the sale of dried or kippered salmon killed in the close season; abuse on this score in Wales, 4583. 4628-4632——Recommended prohibition of the sale of trout between the 3rd November and the 1st February, 4584-4587. 4616-4619.

Statement as to the upper proprietors not having had their fair share of the increase of salmon since the Act of 1861; 4588-4591——Increased number of destructive engines represented by increased receipts from licenses, 4591. 4623, 4624——Question raised as to the Duke of Beaufort's title to fixed engines on the Wye and Usk, most of his claims having been confirmed, 4599-4602——Approval of graduated licenses for nets, 4608-4613——Explanation relative to an application to the Wye and Usk Board for a general license, which was refused; this was four or five years ago, 4615. 4620-4622.

Local Boards. See *Boards of Conservators.*

Lune River. Income of about 300 *l.* a year derived by the Lune Fishery Board from licenses, *Fenwick*, 989, 990. 1049-1052——Particulars relative to the Skerton Weir and the Halton Weir on the Lune, the fish-passes in them, and the obstacles to rendering them efficient, *ib.* 996-1039. 1146-1166. 1172——Expediency of compulsory powers in the Lune Fishery Board to raise money by mortgage on their income in order to provide efficient passes, or to buy up the dams altogether, *ib.* 1038-1062. 1095-1097——Approval of the present annual close season, *ib.* 1087. 1173, 1174——Expediency of some discretion in the Lune Board in regard to the weekly close time, *ib.* 1088-1094.

Information relative to the constitution of the Lune Fishery Board, and the attendance at meetings; doubt as to the advantage of a constituency of riparian owners and licensees, *Fenwick*, 1126-1145. 1200-1205. 1235-1238——Further consideration of the means available for raising money for the purchase of the weirs on the Lune, *ib.* 1209-1212——Regulations as to the audit of the accounts of the Lune Board; non-objection to the accounts being published, *ib.* 1228-1234——Probability of better attendance at the meetings of the board if the upper fisheries were improved by a removal of the weirs, *ib.* 1241-1243.

M.

Magistrates. Recommendation that no magistrate who is a conservator be allowed to hear cases or prosecutions for breach of the law; good grounds for this suggestion, *Surtees* 7236–7247. 7454–7469.

Map (*Salmon Fisheries*). Explanations in connection with a certain map prepared according to witness's instructions, and showing, by means of different colours, the actual state of each river in England and Wales, and the difficulties attending salmon cultivation, *Walpole*, 34–50.

Marriott, Thomas Lechmere. (Analysis of his Evidence.)—Resides near Milford; has considered the operation of the Acts of 1861 and 1865 as regards the fishermen on the coast and in the sea, 6486–6491——Large extent of open sea embraced in the Cleddaw district, which extends along nearly the whole of the coast of Pembrokeshire, 6492——Variety of fish taken off the Pembrokeshire coast, there being several villages of poor fishermen, 6463–6496——Information as to the employment of the Llangan men in salmon fishing in Milford Haven, 6496–6501.

Evidence in support of the conclusion that the Salmon Fishery Acts of 1861 and 1865 operate very mischievously as regards the fishermen below Milford and on the coast, 6501 *et seq.*——Proposition for excluding from the Cleddaw district a large portion of the coast or open sea now included in the district; examination in detail as to the grounds for this proposal, and as to the way in which it should be carried out, 6503 *et seq.*

Suggestion that all coasts not within the estuaries of rivers be excluded from the operation of the Salmon Fishery Acts, and that the Home Office should regulate the districts according to local circumstances, 6510, 6511. 6545. 6549. 6571–6589. 6600–6609. 6619–6625——Complaint relative to some proceedings taken in 1868, against some poor fishermen of Milford for selling a few salmon which they had accidentally caught, 6540–6544. 6603. 6609. 6626–6633. 6646–6653——Injury done in Milford Haven by the cinders thrown overboard by steam vessels, 6546–6548. 6641, 6642——Doubt whether the coast fishermen are worse off as a class than they were previously to 1861; 6616–6618. 6644–6646.

Milford Haven. Employment of the Llangan men chiefly in salmon fishing in Milford Haven, these being properly subject to the jurisdiction of the salmon laws, *Marriott*, 6496–6501——Particulars relative to some proceedings taken in 1868 against some poor fishermen of Milford for selling a few salmon which they had accidentally caught; hardship in this case, though there was no conviction, *ib.* 6540–6544. 6603–6609. 6626–6633. 6646–6653——Injury done in Milford Haven by the cinders thrown overboard by Her Majesty's steam vessels, *ib.* 6546–6548. 6641, 6642.

See also *Cleddaw District.*

Mill Hatches. Suggested amendment of the law as regards the obligation to remove the mill hatches entirely during the close season; prevention thereby of the ascent of the salmon in the Tees, and in rapid rivers generally, *Surtees* 7306–7322. 7379. 7419–7430.

Mill Races. See *Gratings.*

Miller, Alexander. (Analysis of his Evidence.)—Is member of the firm of Miller Brothers, lessees of extensive fisheries in the Wye and Severn, and also of the Galway fisheries, 4633–4641——Statement of the terms on which these fisheries are leased, and of the rents paid, 4642–4655——Decrease in the Wye and Severn fisheries during the last three years, owing chiefly to the dry seasons, 4656–4658. 4838–4841. 5117–5127.

Decided objection by witness's firm to the proposition for empowering Boards of Conservators to make bye-laws regulating the size and description of nets, and the mode of using them, 4659 *et seq.*——Particulars relative to the stop net as used in the Wye and Severn; this net has been in use for upwards of 300 years, and the Special Commissioners gave a certificate for it, 4666–4695.

Statement to the effect that owing to the peculiarities of the tide in the Wye and Severn, and the length of the weekly close time, net fishing is restricted to about five hours a day for five days a week, 4696–4707. 4768–4788. 4998–5014——Doubt as to the use elsewhere of stop nets similar to those used in the Wye and Severn, 4704–4707——Grounds for objecting to any enlargement of the mesh of stop nets or draught nets, the two-inch mesh working very satisfactorily, 4708–4712. 4725–4729. 4854. 4896, 4897. 5024–5039.

Evidence in strong condemnation of hang nets, the use of which should be greatly restricted, if not prohibited altogether, 4713–4724. 4850–4853. 4880–4887——Non-objection to the reduction in the mesh of the nets in the Tay, or in rivers where there are many trout, 4730–4734——Exception taken to the constitution of Boards of Conservators, on the ground that the lower fisheries are not adequately represented; particulars hereon as to the constitution and working of the Wye Board, 4736–4740. 4932–4936. 4984–4997. 5053–5073. 5146–5162.

Exceptions

Report, 1870—*continued.*

Miller, Alexander. (Analysis of his Evidence)—*continued.*

Exceptions taken to a power in Boards of Conservators to vary the rate of license duty in different parts of the same districts, 4741-4753——Decided objection to any extension of the weekly close time in the Wye and Severn; it is much too long already, 4754-4759. 4768, 4769. 4778-4788. 5048——Large sum paid by witness's firm for license duties and for water-bailiffs, 4760-4762. 4939-4941. 4957-4963——Obstacle to the substitution of personal license for a license for each net in private fisheries, 4763, 4764. 4802-4810.

Approval of the marking of nets and numbering of boats, 4765, 4766. 4983——Relative advantages of the Wye and the Tay as salmon rivers; better protection required in the former, 4789-4801——Statement of the terms on which witness's men are engaged; difficulty in ensuring their continued service, 4803-4810. 4919-4921. 5128-5137. 5163-5168——Want of fish-passes over weirs on the Monnow and the Lug, 4811-4814. 4822——Great improvement in the Galway river since the construction of a pass, 4815-4821. 4869-4873——Necessary suspension of salmon fishing in the Wye and Severn when the weather is calm, 4828-4830——Satisfaction expressed with the present annual close time in the Wye, 4831-4837. 4956.

Very injurious effect of sheep-washing in the Wye, as driving the fish out of the river, 4841-4849——Examination to the effect that witness desires to give the upper proprietors their fair share of the fisheries, whilst he dissents from the view that the decline in the fisheries is owing to over-fishing in the lower waters, 4855-4879. 5045-5052. 5139-5145——Defence of the system of sweep-net fishing, as in the Avon and Tay, under proper restrictions, 4888-4892.

Further objection to the size of the nets, and of the mesh being dealt with by bye-laws, more especially in private fisheries, 4892-4897——Mode of working the draught net in the Wye, 4898, 4899——Information relative to the use of the beating net; doubt as to its being used at night, 4900-4923——Existence of salmon in the Wye for upwards of 300 years, 4924——Statement to the effect that the Wye is not a very early river; the fish run up almost during the whole of the season, 4925-4929. 4937, 4938. 5040-5044——Very little rod fishing below Hereford, 4930, 4931.

Particulars relative to the lave net, as used in the Severn and the Wye; amount of license paid, 4941-4947——License of 3 *l.* paid for the stop net, 4948——Considerable number of licenses taken out by witness and his brother in the Wye and Severn, 4949-4955——Statement as to the non-paying character of some of the fisheries leased by witness's firm, 4964-4966. 5015-5023. 5082, 5083——Dissent from the view that those fishing in the tidal waters of the Wye, &c., have an unfair proportion of the fish; witness in fact does not get a fair share, 4966, 4967. 5021-5023. 5045-5052. 5074-5081.

Absence of benefit, if net fishing in the estuary were further restricted, so as to facilitate the fish going up to spawn, 4968-4972. 5100-5124——Expediency of the same law being applied to the Crown fisheries as to other fisheries, 4973-4975——Restriction placed by the Special Commissioners upon the use of stopping nets and boats in the Severn and Wye, 4976-4983.

Statement to the effect that the take of fish in any river is not materially affected by the number of fish that reach the spawning grounds in the previous season, 5084-5096——Use by witness of five distinct modes of fishing in the Severn and Wye, 5100-5115——Increased supply of fish in the Wye if there were not so much drought, as the fish would more readily ascend, 5117-5127. 5138——Circumstance of witness not fishing in the estuary in February, 5139-5145.

Want of foundation for the prejudice or jealousy entertained by the upper proprietors on the Wye towards the lower proprietors, 5147-5153——Improved state of feeling between the upper and lower proprietors on the Tay, 5155-5162——Grounds for the conclusion that a distinction should be drawn between private and public fisheries in regard to the legislation applied, 5169-5177.

Millers. Willingness evinced generally by the millers and owners of weirs to facilitate the passage of the fish, *Walpole* 610-612——Necessity of compulsory powers, persuasive action with the millers being utterly inadequate, *Fane* 872——Unwillingness of the owners of certain dams either to make fish-passes, or to allow them to be made; selfish considerations by which the millers are frequently guided as regards the fishing, *Phillips* 1661, 1662. 1667-1670. 1778-1781. 1868, 1869——Suggestion that millers be required to keep their works in order, and to prevent waste of water, *Owen* 1937-1941. 2025, 2026.

See also *Compulsory Powers. Fishways or Salmon Ladders. Weirs or Mill Dams.*

Monnow and Lug Rivers. Want of fish-passes over weirs on the Monnow and the Lug, *Miller* 4811-4814. 4822.

Morts and Sprods. Reference to the growth of morts and sprods; belief as to the former being bull trout, so that their destruction is desirable, *Walpole* 716-720.

N.

Navigation Weirs. Conclusion as to its being impolitic to inquire into the title of navigation weirs, *Walpole* 107–112. 419. 437–439. 483–485——Approval of the owners of navigation dams erected within the last twenty years being compelled to provide fish passes; doubt as to any such dams existing, *ib.* 438–442.

Undue restriction under the Act of 1861 in regard to dealing with navigation weirs, *Willis-Bund* 3289——Steps about being taken in regard to the new navigation weirs near Gloucester, and the provision of fish-passes therein, *ib.* 3290–3295——Obstacle through the navigation weirs on the Severn, to the ascent of the salmon, *ib.* 3482, 3483. 3595–3597.

NETS:

1. *Restrictions suggested as to the Use of Nets.*
2. *Suggestions as to the Size of the Mesh; Question of Restricting the Size by Means of Bye-laws.*
3. *Proposed Marking of Nets.*
4. *Extent of Net Fishing in England.*
5. *Conclusions of the Committee.*

1. *Restrictions suggested as to the Use of Nets:*

Expediency of prohibiting net fishing at night in fresh waters, *Walpole* 259. 262–275; *Owen* 1912, 1913. 1933–1936; *Lloyd* 4505–4507——Illustration in the case of the Tyne and other rivers, of the want of control as to the particular mode in which certain nets are used in estuaries, *Walpole* 304–329——Restrictions desirable as regards the use of stake and other nets for the capture of different fish, salmon also being caught in these nets, *ib.* 319–329——Improper way in which draught nets are shot, it being desirable to enforce certain regulations on the subject, *ib.* 518–522.

Improvement if net fishing were prohibited in the upper waters, *Hutton* 1436–1439; *Hallett* 4239–4243——Suggestion that all nets found without a man in charge be deemed fixed engines, *Cuthbert* 2207. 2412, 2413——Restrictions proposed as to the mode of using nets, it being desirable to prohibit fishing at the mouths of tributaries and other places, *Willis-Bund* 3332. 3359–3364——Proposed extension of licenses to all net fishing, besides salmon fishing, *Willis-Bund* 3379, 3380; *Walkey* 4025–4027. 4061–4068.

Great advantage if all net fishing, for other fish than salmon, were stopped in the estuaries during the close time, *Whyte* 3691–3699——Evidence in support of the proposition that net fishing be prohibited in the fresh waters of all rivers less than 100 miles long, and that rod fishing only be allowed, *ib.* 3690. 3692, 3693. 3755–3768. 3817–3835. 3885, 3886. 3895–3897——Expediency of increased restrictions as to the use of nets and as to the size of the mesh, *Owen* 1974–1979. 1985–2006. 2038–2040; *Walkey* 3973–3981. 4025–4027; *Hallett* 4205–4215; *Lloyd* 4503–4510. 4570——Suggested prohibition of net fishing at night, *Garnett* 7810–7812. 7835, 7836.

Approval of a prohibition upon the use of moveable engines within half a mile, and of fixed engines within a mile, of the mouths of rivers in England, as in Ireland, *Brady* 8135–8139. 8272——Suggested prohibition in England, as in Ireland, upon net fishing in fresh waters between eight at night and six in the morning, *ib.* 8140–8146. 8172–8174——Proposed prohibition of netting in fresh water by riparian owners, if they have not already exercised the right, *ib.* 8381–8383.

2. *Suggestions as to the Size of the Mesh; Question of Restricting the Size by Means of Bye-laws:*

Evidence in support of a power, by means of bye-laws, to modify the meshes of nets, and to provide for a maximum as well as a minimum size, *Walpole* 193–195. 200. 210, 211. 276–300——Power in Scotland and Ireland to make bye-laws for regulating the mesh of the net, *ib.* 296–299——Approval of the mesh of the net being two inches from knot to knot, *Fane* 877——Satisfaction expressed with the existing salmon net, *Fenwick* 1110.

Suggestions as to the restrictions desirable in regard to the mode of using different nets in the Dee, as well as in regard to the size of the nets, *Owen* 1974–1979. 1985–2006. 2038–2040——Suggestion that there should be a maximum as well as a minimum size of mesh for all nets, *Cuthbert* 2203–2205. 2325–2331; *Willis-Bund* 3198, 3199. 3357–3359; *Wilson* 6143, 6144.

Decided objection to the proposition for empowering Boards of Conservators to make bye-laws regulating the size and description of nets, and the mode of using them, *Miller* 4659 *et seq.*; *Lisle* 5559–5563. 5620–5623. 5899–5905——Grounds for objecting to any enlargement of the mesh of stop nets or draught nets, the two-inch mesh working very satisfactorily, *Miller* 4708–4712. 4725–4729. 4854. 4896, 4897. 5024–5039——Further objection,

Report, 1870—*continued.*

Nets—continued.

2. *Suggestions as to the Size of the Mesh, &c.*—continued.

objection to the size of the nets and of the mesh being dealt with by bye-laws, more especially in private fisheries, *Miller* 4892–4897.

Approval of an enlargement of the mesh of the net for salmon, a smaller mesh being allowed for trout, *Lisle* 5550–5558——Belief that a two-inch mesh would stop all salmon of four pounds, *ib.* 5847–5850——Grounds for the suggestion that there should be a limit on the maximum size of the mesh of nets, and that a two-and-a-quarter inch mesh should be the largest size, *Wilson* 6143, 6144. 6302–6319——Proposed regulations by Act of Parliament relative to the size of meshes of nets, *Garnett* 7824–7826——Approval of the size of the mesh of the net being limited to one-and-three-quarter inch from knot to knot, *Brady* 8296–8302.

3. *Proposed Marking of Nets;*

Suggestion relative to the marking of the nets, *Miller* 4765, 4766; *Dunbar* 5303, 5304.

4. *Extent of Net Fishing in England:*

In 1869 there were 2,879 men engaged in net fishing in the thirty-four fishery districts of England, and the licenses amounted to 4,613 *l.*, *Walpole* 11.

5. *Conclusions of the Committee:*

Approved of power in the local boards by means of bye-laws to determine the description and character of nets which may be used within the district, *Rep.* v——Also to determine the times, places, and manner of using nets, *ib.*——Also to require that nets be marked or numbered, *ib.*

Suggested prohibition of net fishing in fresh waters at night, *Rep.* v——Proposed seizure of nets if illegally used in the annual or weekly close time, *ib.*

See also *Bye-laws. Draft Nets. Fixed Engines. Hang Nets. License Duties. Ribble, The. Stake Nets. Stop Nets. Tyne Fisheries*, 5, 6. *Wye and Severn Fisheries.*

Night Fishing. Capture of salmon out at sea only at night and after dark; rare exceptions to this rule, *Lisle* 5534, 5535. 557², 5573. 5747–5751.

See also *Close Time*, 3. *Nets*, 1. *Poaching*, 5.

Norway. Prohibition in Norway upon fishing within a certain distance of the mouths of rivers, *Dunbar* 5336——Great destruction of smolts at the mill races in Norway, *ib.* 5337, 5338——Information relative to the former connection of witness with fisheries in Norway, and the effect of net fishing upon the supply of salmon, *ib.* 5359–5372.

O.

Ockmant River. Great want of fish-pass at a mill-dam on the Ockmant River; difficulties experienced in the matter, *Whyte* 3724–3730.

Over-fishing. Retrogression in certain cases, by over-fishing, after the increase has arrived at a certain point, *Walpole* 28, 29. 33——Expediency of power in local boards to restrict the fishing, with a view to keeping up the supply or stock of fish in the river, *ib.* 691–693——Evil of the great increase of net fishing whenever any fishery has much improved, *Garnett* 7856, 7857.

Owen, Arthur Mostyn. (Analysis of his Evidence.)—Is honorary secretary to the Dee Fishery Association; represents the upper proprietors both of the Dee and the Severn, 1903–1907——Concurs generally in the evidence of Mr. Phillips, 1908–1911——Views of the upper men of the Dee and Severn as to the chief amendments required in the Acts of 1861 and 1865; 1912–1920——Suggested extension of the weekly close time to sixty hours, 1912. 1915. 1967–1970——Expediency of prohibiting net fishing at night in fresh waters, 1912, 1913. 1933–1936.

Proposed prohibition of net fishing within 200 yards of any dam, 1915, 1916. 1926–1929——Suggested prevention of fishing in any fish-pass or free gap, 1915. 1924, 1925——Expediency of a prohibition upon the transfer of licenses; great abuse in this respect in the Dee, 1916–1918. 1930, 1931. 1971–1973. 1980–1984. 2059–2065.

Expected dissolution of the Dee and Severn Fishery Boards, unless something be promptly done for the protection and improvement of the fisheries, 1920–1923. 1932——Suggestion that millers be required to keep their works in order, and to prevent waste of water, 1937–1941. 2025, 2026——Additional power proposed in boards of conservators in regard to the amount of license duties for nets, 1942–1945——Defence of the present constitution of the Dee and Severn Fishery Boards, 1946–1955.

Excessive netting in the estuary of the Dee and in the river, 1956–1966——Suggestions as to the restrictions desirable in regard to the mode of using different nets in the Dee, as well as in regard to the size of the nets, 1974–1979. 1985–2006. 2038–2040——

Report, 1870—*continued.*

Owen, Arthur Mostyn. (Analysis of his Evidence)—*continued.*

Particulars relative to the weirs on the Dee, the obstructions offered by them to the ascent of the salmon, and the inadequate steps taken to provide fish-passes, 2007–2037. 2046–2048.

Advantage of water-bailiffs, as on the Dee, being allowed to traverse the banks of the river, 2041–2044——Peculiarly dry seasons in 1868 and 1869, to which, as well as to excessive netting, the diminished supply of salmon in the upper waters of the Dee is attributable, 2049–2058——Approval of a minimum penalty for offences, 2067, 2068 ——Undue and illegal abstraction of water from the Dee by the Shropshire Union Canal Company; expediency of legal facilities for preventing acts of this kind, 2069–2076.

P.

Paterson, James. Paper submitted by Mr. Paterson, containing suggestions in detail relative to a fishery rate, the expense of fishways, and the election of board of conservators, *App.* 306–308.

Pembrokeshire Coast. See *Cleddaw District.*

Penalties. Suggestion that there be minimum as well as maximum penalties for offences, *Walpole* 426–428; *Fenwick* 1122, 1123; *Owen* 2067, 2068——Approval of minimum penalties, and of imprisonment after a second or third offence, *Brady* 8116, 8117.

See also *Lime. Poaching.*

Phillips, John Henry. (Analysis of his Evidence.)—Is honorary secretary to the Yorkshire Salmon Fishery Boards, 1588–1591——Very extensive district represented by the Wharfe and the Derwent; small income derived from licenses on each river, 1592–1595—— Great obstruction caused by the weirs on the Ouse, the Swale, the Derwent, and the Wharfe to the passage of the salmon; sundry particulars hereon, 1596 *et seq.*——Inadequacy of the powers under the Acts of 1861 and 1865, for dealing with weirs on the Wharfe, Derwent, &c.; conclusion as to the expediency of compulsory powers, 1616–1622. 1636, 1637. 1656–670. 1680–1697. 1723–1725.

Advantage of the inquiry held by the Special Commissioners on the Wharfe in 1868; inadequacy, however, of their powers, 1620–1637. 1656–1666——Information relative to fish-passes about to be applied to the weirs at Tadcaster and Wetherby, by consent of the owners, after the designs of Mr. Roberts, 1624–1635. 1699–1711. 1858–1864—— Extensive and excellent spawning ground in the Wharfe, the Ure, and the Swale, which require to be opened out, 1638–1655.

Unwillingness of the owners of certain dams either to make fish-passes or to allow them to be made; selfish considerations by which the millowners are frequently guided as regards the fishing, 1661, 1662. 1667–1670. 1778–1781. 1868, 1869——Expected facility in raising money by license duties or by rate on the Wharfe, Swale, &c., if there were power to construct fish-passes, 1671–1679. 1726–1738——Contemplated inquiry by the Special Commissioners in each case, before taking action as to the compulsory construction of fish-passes, 1680–1683——Suggested power as to the purchase of weirs; how the compensation might be settled, 1684–1697. 1739.

Conclusion as to the practicability of making a pass in every weir, without injury to the mill, upon the plan of Mr. Paterson, 1698–1711. 1799–1801——Approval of inquiry into the legality of weirs and the construction of fish-passes being made by the Special Commissioners, or by a central fishery board, 1712–1722. 1782–1788. 1881–1886—— Difficulty in keeping up the fishery boards in Yorkshire, on account of the deficiencies of the law, 1723–1725.

Proposed power in boards of conservators to vary the license duties up to a certain maximum, 1737, 1738. 1741–1746. 1846–1849—— Question under consideration in witness's district, whether the annual close time should not be altered, 1747–1753—— Approval of bye-laws as to close time being submitted to a central authority, 1754–1757 ——Suggested extension of the weekly close time to sixty hours, 1758–1760. 1795–1798.

Advantage of power in a central board to re-arrange the fishery districts, 1761–1765 ——Objection to the owner of a mill-dam being allowed to net within 100 yards above or below the dam, 1766——Suggestions relative to the application of gratings to mill races, 1768–1777——Explanation that it is not proposed in any way to sacrifice the mills to the fisheries, but rather to confer power as to fish-passes which will not injure the former and will greatly benefit the latter and the public generally, 1780. 1870–1880. 1901, 1902.

Consideration of the question of a Fishery Board in London, somewhat similar to the Boor Law Board in its relation to Government; conclusion as to the advantages of such board, and suggestions as to its constitution, 1782–1794. 1830–1845. 1850–1857. 1887–1898——Separate inspectors contemplated for Ireland if a central board be established; witness,

Phillips, John Henry. (Analysis of his Evidence)—*continued.*

witness, in fact, does not propose to interfere with the system in Ireland, 1785. 1787–1794. 1891–1894.

Explanation on the subject of the removal of some cloughs at the Sutton mill-dam on the Derwent, 1803–1829. 1865–1867——Opinion favourable to the Forsyth ladder; its success in Ireland, 1821–1828. 1899, 1900——Question as to the use to be made of the Special Commissioners and of the inspectors in the formation of a Fishery Board, 1830–1833. 1850–1857. 1893–1898.

Pike. Large destruction of salmon fry in the Trent by pike; also of trout, *Hutton* 1577–1580. 1584.

Poaching. Conditions necessary before any person can interfere to prevent poaching, *Walpole* 530——Advantage of extending to seven days the power of the conservators to go upon land where poaching is suspected, *Fenwick* 1120–1122——Particulars relative to the employment of constables, in order to prevent poaching in the Tweed and other rivers in Scotland; excellent results of this system, *List* 2431–2447. 2466–2470. 2527–2542——Inconvenience on the Tweed through the want of fuller powers to search, *ib.* 2494–2501.

Importance of the salmon rivers generally being duly watched and protected, *Roberts* 2991–2994——Want of power to search boats for salmon illegally taken, *Willis-Bund* 3297, 3298——Punishment of poachers on the Exe, by fining them; approval of imprisonment for night poaching, *Walkey* 4046–4052——Further check desirable as regards night poaching, *Lloyd* 4571——Approval of some restriction as regards poachers being allowed to take a license, *Harris* 6999–7001——Approval of imprisonment of poachers on the third conviction, *Surtees* 7390.

Suggestion that more effectual checks be placed upon illegal fishing at night, *Rep.* v.

See also *Coast Guard. Penalties. Police. Water Bailiffs.*

Police. Varying practice in different counties as to the employment of the police in watching the fisheries, *Walpole* 523–527——Suggestion that when rivers are placed under the police, the latter should have full power of going upon private lands, *Whyte* 3789–3792——Way in which the county police might aid in protecting the fisheries, *Walkey* 4009, 4010. 4097–4100——Probable advantage of constables acting as bailiffs, *Lloyd* 4566, 4567——Expediency of fines or rewards going to the police for the detection of poaching, *Brady* 8252, 8253. 8277–8283——Valuable assistance rendered in Ireland by the constabulary in the preservation of the fisheries, *ib.* 8314.

Pollution of Rivers. Great obstruction to salmon cultivation by means of the pollutions in various rivers, *Walpole* 35–39. 46——Inadequacy of the penalty provided by the Act of 1861 relative to the pollution of rivers; amendment suggested, *Fenwick* 1112–1115; *Willis-Bund* 3184–3194; *Walkey* 4123–4125——Improvement if pollutions could only be discharged at flood-tide, *Willis-Bund* 3515–3522——Impression as to there being already sufficient powers for dealing with pollutions in rivers, *Harris* 7026–7029. 7032——Very little pollution of the Irish rivers, *Brady* 8231.——*See* also *Sheep-washing.*

Pool System (*Ascent of Weirs*). See *Fishways, &c.* 2. 5.

Portlaw. Great success of the pass at Portlaw as erected by Mr. Malcolmson, this having been the first pass in Ireland, *Brady* 7917–7934. 8336–8344.

Pound-locks. Reference to the introduction of pound-locks, and their effect in obstructing the passage of the fish, *Walpole* 113.

Powick Weir (*River Teme*). Particulars relative to the fish-pass placed by witness on the Powick Weir on the Teme; its efficiency, *Willis-Bund* 3381–3394. 4000.

Private Fisheries. Grounds for the conclusion that a distinction should be drawn between private and public fisheries in regard to the legislation applied, *Miller* 5169–5177.

See also *Rate.*

Prosecutions. Expediency, when an offence is committed on a river in two counties, of the defendant having an option as to the county or division in which he shall be tried, *Surtees* 7248–7253. 7687–7695——Complaint as to the cost of prosecutions and appeals being charged upon the Treasury, *ib.* 7395–7397.

Public Rights. Statement in approval of excluding public or common rights where they are of nominal value, and as a means of promiting the development of the fishery, *Walpole* 168–172. 706, 707.

Purchase of Mill-Dams. Great defect of the Act of 1861 in not giving power to take weirs by compulsion on purchase; suggestions hereon as to the mode of ascertaining and providing the amount of compensation, *Walpole* 54–68. 88–91. 105, 106——Contemplated power of purchasing a portion of the water in certain cases, *ib.* 88–90——Advantage of power to take weirs by purchase, on the principle of the Lands Clauses Consolidation Act, *Walpole* 430, 431; *Fane* 819–822——Grounds for the approval of a compulsory

Purchase of Mill-Dams—continued.

power to purchase the whole or portion of a dam, *Walpole* 556, 557. 613, 614. 622–625. 631——Few instances in which it might be desirable to mortgage the license duties in order to purchase dams; advantage, however, of giving the power to purchase, *ib.* 622–631.

Compensation contemplated if legal dams be taken compulsorily, *Hutton* 1429–1433 ——Suggested power as to the purchase of weirs; how the compensation might be settled, *Phillips* 1684–1697. 1739——Approval of compulsory powers for the construction of fish-passes and the purchase of weirs, *Bateman* 2635–2638. 2709–2711. 2761–2776.

Evidence opposed to compulsory powers in boards of conservators to purchase mill-dams except under certain conditions; approval of power to purchase where the mills are under 100 *l.* a year rental, *Willis-Bund*, 3414–3432. 3444–3448. 3502–3507. 3546–3550. 3586–3609. 3618–3638. 3640, 3641——Contemplated powers in the proposed court to purchase all fishing mill-dams and all weirs that are proved to be a nuisance; how the funds might be provided, *Whyte* 3678. 3690. 3750–3752. 3780–3788. 3862–3864—— Improbability of Parliament making grants for the purchase of weirs, *Hallett* 4245, 4246——Improvement if there were power to purchase mill-dams compulsorily, or to put up fish-passes, *Dunbar* 5219–5223.

Objections to compulsory powers in boards of conservators for the purchase of mill-dams, *Surtees* 7340. 7362. 7502–7509. 7538–7557; *Garnett* 7854–7856——Disapproval of Mr. Walpole's proposal for buying portion of the water from the miller, *ib.* 7841, 7842.

Conclusion of the Committee that powers of purchase should be given under certain conditions to boards of conservators, *Rep.* iv.

Putts and Putchers. Way in which certain provisions of the Act of 1861 operate very harshly upon the owners of putts and putchers in the Severn estuary, *Willis-Bund* 3252, 3253——Description of putts and putchers; very large number in the Severn which have been certified as legal, and number declared illegal, *ib.* 3253–3275——Expediency of inquiry into the Crown's title to putts and putchers in the Severn, *ib.* 3257–3263. 3461–3466——Alteration desirable as regards the period for which putchers are are used in the Severn, *ib.* 3367, 3368. 3530–3539.

Return showing the number of cases heard before the Special Commissioners, and their decisions thereon, *App.* 299.

R.

Racks. Advantage if an increased license duty could be applied to the racks or cruives used in the west of England, *Fane* 907–910. 935–938.

Radnorshire. Effect of the presence of salmon in diminishing the quantity of trout in certain rivers in Radnorshire, *Haig* 4265–4268 —— Very few old salmon properly captured in witness's district; conclusion that there is, however, a large destruction of fish on the spawning beds, *ib.* 4269–4275. 4290–4316——Complaint as to witness, and those living on the upper streams of the Ithon, being debarred by law from capturing the young salmon by rod-and-line fishing; argument in support of the removal of this restriction, *ib.* 4273 *et seq.*

Suggestion that fair rod-and-line fishing for young salmon be allowed in these streams during the trout fishing during the season, *Haig* 4277, 4278——Much larger quantity of young salmon when rod-and-line fishing was formerly allowed, than at present *ib.* 4279. 4286. 4469——Proposed prohibition of net fishing concurrently with the allowance of rod fishing, witness contending that the result would show a great improvement in the salmon fishery, and that the people would find it to their interest not to kill the spawning fish, *ib.* 4319 *et seq*——Explanation as to witness, though a magistrate, having refrained from any action against the salmon poachers in his district, 4303–4316. 4362–4372. 4430–4440. 4455.

Desire of several proprietors in Radnorshire that it should be permitted to spear the old salmon under certain limitations; statement in support of this being allowed for six days in the year, just before the close time, *Haigh* 4320–4324. 4410. 4413–4416. 4442–4477 ——Practice as to the fining of poachers; they are never sent to prison, *ib.* 4369–4372. 4430–4440. 4478–4481——Circumstance of witness never attending the meetings of the local fishery board; action of the board for the prevention of poaching, *ib.* 4376–4384. 4421——Concurrence of several Radnorshire magistrates in the views expressed by witness, 4422–4429.

Grounds for concluding that a restricted permission to spear the old fish would tend to increase the fishery, by preventing poaching during the spawning season, *Haig* 4442–4469——Willingness of witness to waive the proposal as to spearing if fair rod and line fishing for young salmon be allowed, *ib.* 4472.

Rate. Suggestions relative to the taxing, respectively, of the riparian owners and of the lower or tidal proprietors, for the construction of fish-passes, &c., *Walpole* 124, *et seq.*

Report, 1870—*continued.*

Rate—continued.

——Objection to a rate as altogether unequal and inapplicable in a great majority of cases, *Walpole* 126 *et seq.*——Unfairness of taxing the riparian owners for benefits which in the great majority of cases would be reaped by the tidal fishermen; proposal hereon for levying contributions according to frontage, the lower proprietors paying an enhanced rate, *ib.* 128 *et seq.*

Further evidence in support of witness's objection to raising funds by means of a rate; excessive pressure thereby on the private fisheries, *Walpole* 451-458——Statement in further explanation of witness's proposal for basing the rating upon the frontage, an increased rate being levied in the estuaries, *ib.* 653, 654. 704, 705. 732–737——Suggestions as to the mode in which a higher rate might be levied on the lower and more valuable portions of the fishery, *ib.* 704, 705. 732–737.

Approval of a rate upon the owners of fisheries, accompanied by restraints upon the public fishermen, *Fane* 976-979——Suggestion for raising funds by means partly of an improvement rate, *Phillips* 1723–1768——Suggestions for *ad valorem* rating of fisheries generally; proposed exemption of public fishermen, *Cuthbert* 2341–2348. 2380–2386——Proposal that the riparian owners, as on the Usk and Wye, be required to pay a rate, *Lloyd* 4519.

Advantage of private fisheries being rated for the protection of the rivers, *Dunbar* 5212–5218——Facility of raising a tax on the fisheries for the construction of passes, *Garnett* 7851, 7852——System of rating the Irish fisheries according to their valuation; advantage of a similar plan in England, *Brady* 8106–8110. 8224-8226.

Paper submitted by Mr. Paterson containing suggestions in detail relative to a fishery rate, *App.* 306.

Opinion of the Committee that power to levy a rate should be given to boards of conservators for certain purposes, and upon certain conditions, *Rep.* v——Such rating powers should not be exercised without the assent of the majority in value of the parties liable to be rated, *ib.*

Repeal of Acts. Doubt as to any disadvantage arising from the repeal of old Acts in the schedule to the Act of 1861, *Willes-Bund* 3304.

Ribble, The. Very efficient passes on the Ribble, *Walpole* 119——Necessity, in the case of the Ribble, of further regulations as to the size of the meshes of the nets, *ib.* 291——Abuse in the practice of net fishing, *ib.* 313.

Improvement in the Ribble fisheries for a time after the Acts of 1861 and 1865; subsequent falling off from an increased net fishing, *Garnett* 7783–7785. 7857, 7858——Particulars relative to the use of haaf nets and trammel nets in the Ribble, some restriction being especially desirable as regards the former, *ib.* 7820–7823. 7833–7836——Very few days during the year in which the Ribble is in such a state that the salmon can traverse it, and reach the upper waters, *ib.* 7828–7832.

See also *Clitheroe Weir.*

Riparian Owners. See *Boards of Conservators. License Duties. Upper Proprietors. Rate.*

Roberts, Samuel Usher. (Analysis of his Evidence.)—Civil engineer; has had considerable experience in the matter of weirs and fish passes, 2777–2783——Has studied the plan of pass proposed by Mr. Paterson and Professor Rankine, and is satisfied that it can be carried out in all cases where there is surplus water without diminishing the milling power, 2784 *et seq.*——The plan can be adopted in almost every case without injury to the weirs, 2790. 2922–2928. 3009–3013.

Conclusion as to the sufficiency of a much smaller inlet or opening than is proposed by Mr. Paterson, 2800–2802——Details relative to the Galway weir and fish pass, the former being 600 feet long, and the aperture being two feet square; excellent effect of this aperture in facilitating the ascent of the salmon, and rendering the fisheries of great value, 2802–2808. 2843–2870. 2987–2991. 3017–3028——Great advantage to the salmon fisheries generally by making a notch or inlet in the crest of each weir, and by constructing a fish ladder in connection therewith, 2812–2818.

Suggestions on the subject of self-acting valves or sluices for closing the openings when the water is so low as to be all required by the mills, 2819–2825——Particulars relative to sundry passes constructed by witness, showing the size and mode of arrangement of the pools forming the ladder, the depth, velocity, &c.; very successful results attained, 2826 *et seq.*——Very efficient passes at Collooney and Ballisodare; description of these, 2840–2842. 2871–2892. 2895–2908. 2997–3002.

Several sources and interests from which the expense of the Galway dam and fish pass was defrayed, 2867–2870. 3029–3031——Decided objection to a diagonal channel or fish pass across the face of the weir, 2909, 2910. 2979–2986——Self-acting flood-guard, by means of which the flow of too much water through a fish pass may be prevented,

Roberts, Samuel Usher. (Analysis of his Evidence)—*continued.*

2911–2915——Suggestions relative to the position of the outlet or mouth of each fish pass 2916–2918. 3003.

Facility in many cases of constructing a fish pass in the bank by the side of the weir, 2919–2921——Particulars relative to fish passes prepared by witness for weirs on the River Wharfe, at Wetherby and Tadcaster; excellent effects anticipated, 2929–2958——Success of all fish ladders constructed on the principle of the Galway fish pass, 2959–2962——Great variation in the cost of fish ladders, 2963. 2995.

Suggestions on the subject of gratings at mill races, so that the supply of water for the mill may not be affected, 2964–2978. 3014——Importance of the salmon rivers generally being duly watched and protected, 2991–2994——Very efficient state of the law in Ireland for the protection of the fisheries, 2996——Doubt as to the increase of salmon in the river above Ballisodare having led to any diminution of trout, 2997–3002——Congregation at times of immense numbers of salmon at the foot of the Galway dam and fish ladder; there is no poaching now at this point, 3004–3008.

Rod Fishing. The number of rods in 1869 was 1912, and the licenses amounted to 1,301*l.*, *Walpole* 12——Necessity, as regards close time, of some encouragement to rod fishers to preserve the fish in the upper waters, *Cuthbert* 2370, 2371; *List* 2484–2487. 2508–2515. 2560, 2561——Examination in support of the conclusion that the fisheries would be much more productive and more valuable to the riparian owners, if rod fishing only were allowed in fresh waters, *Whyte* 3755–3768. 3825–3835. 3885, 3886. 3895–3897——Suggestion that an extra month be allowed to the upper proprietors for rod fishing, *Walkey* 3968, 3969. 4023, 4024. 4037.

Statement in favour of the license for rod fishing, and for spearing, as proposed in witness's district, being only 1 *s.*; doubt as to this inducing immense numbers to fish, *Haig* 4341–4361. 4417–4420——Argument that fair rod and line fishing will not injure any salmon river, *ib.* 4466–4471——Expediency of prohibiting rod fishing in the Tyne, &c., when the fish are ascending for spawning, *Lisle* 5835——Advantage if the rod license were reduced to 5 *s.*, *Wilson* 6180–6182. 6216–6219. 6285–6289.

Suggestion for increasing the rod license to 20 *s.*, *Brady* 8246, 8247. 8265——Objection to any special advantage being given to the upper proprietors as regards rod fishing, *ib.* 8263–8265.

Rolle v. *Whyte.* Acquiescence generally of lawyers in the decision given in the case of Rolle *v.* Whyte, *Willis-Bund* 3305, 3306. 3398, 3399.

S.

Sale of Salmon. Expediency of power to vary the season during which the fish caught in different rivers may be sold, *Walpole* 235, 236. 592, 593. 700, 701. 708–710——Want of more stringent regulations against the sale of fish out of season, *Willes-Bund* 3249–3251——Advantage of a license being necessary before any person can sell salmon, *Walkey* 4001——Objection to any power to sell salmon after the 1st September, *ib.* 4016–4024——Regulation necessary as to the sale of fish, if the close time be varied, *Dunbar* 5299, 5300.——Suggestion by the Committee on this subject, *Rep.* vi——*See* also *Kippered Salmon.*

Salmon Fry. Primary importance attached to protection of the salmon fry, *Surtees* 7399.

See also *Gratings* (*Mill Races*).

Salmon Ladders. See *Fishways, &c.*

Sea Fisheries. Sea fishing within the fishery districts should, to a certain point, be put under the boards of conservators, *Walpole* 699.——*See* also *Coast Fisheries.*

Severn Fisheries. See *Boards of Conservators. Dee River. Putts and Putchers. Wye and Severn Fisheries.*

Sheep-washing. Very injurious effect of sheep-washing in the Wye, as driving the fish out of the river, *Miller* 4841–4849.

Smelt Nets. Expediency of restrictions upon the use of smelt nets in the Humber, these killing a large quantity of salmon fry, *Hutton* 1364–1374. 1530–1542.

Spawning. Statement to the effect that the take of fish in any river is not materially affected by the number of fish that reach the spawning grounds in the previous season, *Miller* 5084–5096——Belief as to salmon not going up the rivers to spawn before August, *Lisle* 5597, 5598. 5737–5744——Advantage of an increased number of fish getting to the spawning grounds, for the sake both of the upper and lower fisheries, *Bolam* 6019–6023——In almost all cases sufficient salmon get up to spawn, the protection of the fry being the chief desideratum, *Surtees* 7399——Condition of the fish at different periods with reference to spawning, *Brady* 8256–8262. 8284–8290.

Report, 1870—*continued.*

Special Commissioners. Prospect of the inquiries by the Special Commissioners being soon terminated, *Walpole* 486–488——Entirely distinct functions of the inspectors, and of the Special Commissioners, *ib.* 489——Opinion favourable to the continued action of the Special Commissioners; advantage if they visited the several districts and acted as a court of appeal, *Fane* 899–906. 957–960——Very inadequate power of the Special Commissioners in regard to fixed engines, weirs, &c., *Fenwick* 995. 1023, 1024. 1072–1086. 1119. 1186, 1187——Advantage if the Special Commissioners were a permanent board, and were to exercise the duties of the inspectors, *Hutton* 1407–1411. 1427, 1428. 1457.

Contemplated inquiry by the Special Commissioners in each case before taking action as to the compulsory construction of fish-passes, *Phillips* 1680–1683——Very satisfactory working of the Special Commissioners as the tribunal of inquiry into the legality of fixed engines, such as putts and putchers; economy as compared with an inquiry before a judge, *Willis-Bund* 3276–3284. 3467–3475. 3489, 3490——Approval of some extension of the power of the Special Commissioners as to inquiry into dams, *ib.* 3340–3343. 3396, 3397——Witness would not make the Commissioners a permanent court, *ib.* 3396——Advantage of additional powers of inquiry on the part of the Special Commissioners, *Walkey* 3982–3987.

Expediency of millers and millowners being allowed to take their cases direct to the superior courts, without going before the Special Commissioners, *Surtees* 7338, 7339. 7394——Unduly large powers exercised by the Special Commissioners, *ib.* 7393–7395.

Statement showing the amount of work done by the Special Commissioners in England, there being about an equal number of cases still to be inquired into, *Brady* 8185–8195——Extension of powers desirable in the Special Commissioners, so that they may have the same powers as the Irish Commissioners, *ib.* 8196–8199——Explanation as to the practice of the Special Commissioners in issuing blank forms of summonses to parties applying for them, *ib.* 8200–8202——Great care necessary in preparing the certificates or orders issued after cases are decided, *ib.* 8203.

Necessity, for the present, of the continuance of the Special Commissioners, *Rep.* iv ——Distinct duties of the Special Commissioners and of the inspectors, *ib.* ——Additional powers proposed to be given to the Special Commissioners to inquire into the legality of obstructions, *ib.*

See also *Appeal.* *Fishery Board or Commission.*

Stake Nets. Less injury caused by the former bag and stake nets on the Northumberland coast than by the hang nets, *Dunbar* 5305–5307——Use formerly of stake or bob nets near Cullercoats; removal of these under the Act of 1861, *Lisle* 5457–5460——Advantage of the abolition of stake nets in the Tees, *Hale* 6426–6428.

Stop Nets. Particulars relative to the stop net as used in the Wye and Severn; this net has been in use for upwards of 300 years, and the Special Commissioners gave a certificate for it, *Miller* 4666–4695——Doubt as to the use elsewhere of stop nets similar to those used in the Wye and Severn, *ib.* 4704–4707——License of 3 *l.* paid for the stop net, *ib.* 4948.

Stour Fisheries. Abuse, as regards the Stour Salmon Fisheries, on account of the stake nets which line the coast near Ramsgate, for the purpose of catching flat fish, *Walpole* 319–324.

Surtees, The Reverend Scott Frederick. (Analysis of his Evidence.)—Is the next in entail of the Dinsdale property, on the Tees, 7188——Particulars relative to the Dinsdale fish pass, as erected in 1867, after the award of the Special Commissioners; its inefficiency, 7189–7220——Expenditure of 376 *l.* on the fish pass, and on a necessary alteration of the mill, the rent of the latter being 60 *l.* a year, 7212–7216. 7568, 7569.

Suggestions for an improved constitution of boards of conservators; proposal that the boards consist of a much smaller number of members, and that these be elected by the different interests in the river, 7221–7235. 7406–7413. 7489–7493. 7565, 7566——Recommendation that no magistrate who is a conservator be allowed to hear cases or prosecutions for breach of the law; good grounds for this suggestion, 7236–7247. 7454–7469——Expediency, when an offence is committed on a river in two counties, of the defendant having an option as to the county or division in which he shall be tried, 7248–7253. 7687–7695.

Advantage of a publication of the accounts of boards of conservators; difficulty of witness in getting a copy of the accounts of the Tees Board, 7254–7261. 7380, 7381. 7657–7663——Statement as to the unduly large sum spent by the Tees Board in law, more especially in the inquiry into the legality of the Dinsdale weir, 7262–7289. 7470–7488. 7670–7686——Admission as to witness having been unsuccessful before the Commissioners in resisting the making of an opening in the Dinsdale dam, 7278–7282. 7477–7484——Exception taken to a charge of 6 *l.* 10 *s.* for expenses of the Secretary of the Board in visiting the Salmon Congress in London, 7290–7305. 7664–7669.

Report, 1870—*continued.*

Surtees, The Reverend Scott Frederick. (Analysis of his Evidence)—*continued.*

Suggested amendment of the law as regards the obligation to remove the mill hatches entirely, during the close season; prevention thereby of the ascent of the salmon in the Tees, and in rapid rivers generally, 7306-7322. 7379. 7419-7430——Grounds for objecting to the power of the Special Commissioners to call for title deeds; sixty years' possession should be deemed sufficient, 7323-7337. 7449——Expediency of millers and millowners being allowed to take their cases direct to the superior courts, without going before the Special Commissioners, 7338, 7339. 7394.

Objections to compulsory powers in boards of conservators for the purchase of mill dams, 7340. 7362. 7502-7509. 7538-7557——Restrictions desirable as regards the right of entry of watchers upon lands; inconvenience and annoyance at present, 7341-7344. 7452, 7453. 7757-7760. 7768-7772——Complaint as to the seizure, on the 2nd February, of a fish taken by witness's men; illegality of such seizure, 7344-7354——Grounds for a statement by witness as to there having been constant and vexatious litigation between the Tees Board and the owners of the Dinsdale dam, 7355-7361——Approval of power to provide fish passes in all dams, under compensation, 7363. 7446, 7447.

Strong objection to the proposed prohibition of fishing within 100 yards of mill dams, 7364-7366. 7510-7520. 7558-7564. 7761-7767——Good condition of the fish when taken in the mill ponds as compared with their condition when taken by the rod by the upper proprietors, 7365, 7366. 7510-7520——Decided disapproval of a power in boards of conservators to make bye-laws, save under well-defined restrictions; the boards have, in fact, too much power already, 7367, 7368. 7372, 7373. 7400-7405. 7448-7451. 7549——Proposed increase of the weekly close time in non-tidal waters, 7369-7371.

Circumstance of witness not being a member of the Tees Board: explanation hereon, 7374. 7494-7501. 7624——Statement as to witness's brother, and one or two other relatives, being members of the board, whilst his brother's late agent was also on the board, 7375, 7376. 7382-7384. 7629-7633——Unwillingness of the late Mr. Armstrong, when agent for witness's brother, to attend the meetings of the board, on account of his treatment there, 7383, 7384. 7650-7652. 7750-7753.

Frequent change of tenants at Dinsdale mill, on account of the numerous and vexatious summonses taken out by the Tees Board, 7385-7388. 7414-7430. 7724-7734——Illegal fishing formerly at Dinsdale dam; stop put to this practice, 7387, 7388. 7761-7767——Approval of imprisonment of poachers on the third conviction, 7390——Statement as to the water-bailiffs not working with witness's people for the benefit of the river, 7390, 7391. 7431-7440. 7754-7756.

Unduly large powers exercised by the Special Commissioners, 7393-7395——Complaint as to the cost of prosecutions and appeals being charged upon the Treasury, 7395-7397——Inaccuracy of certain statements by Mr. Paterson as to the removal of some illegal nets having been due to the Special Commissioners; examination in detail on this subject, 7398. 7696-7723. 7735-7742——Primary importance attached to protection of the salmon fry, 7399——Conflict of interests of the upper and lower proprietors, the latter having naturally the larger interest in the river, 7441-7445. 7637-7641.

Question considered as to the sources of income of boards of conservators, irrespectively of license duties, 7521-7528——Probability of a removal of the Dinsdale dam, being an injury instead of a benefit to the river; expediency rather of an efficient fish-pass, Mr. Cail, Mr. Buckland, and others, believing that adequate facilities of passage may thus be secured, 7530-7557——Frequent negotiations on the subject of a sale of Dinsdale mill and dam; belief as to there being power to sell, 7567. 7642-7649——Appeals now pending on the question as to the mode of effecting a passage in the Dinsdale dam; conclusion as to an efficient pass being feasible, 7566. 7574-7581.

Succession of witness's brother to the Dinsdale estate thirty or forty years ago, 7582-7587——Statement as to the annual value of the mill, the fishing, and the lands attached, 7590-7604——Witness pays 40 *l.* a year for the fishing, receiving half the fish taken by the men, 7600. 7605——Names of the men employed; explanation as to one of these having been summoned for poaching, the case having been dismissed, 7606-7616.

Feeling of antagonism at the Tees Board further adverted to in connection with the constitution of the board, 7624-7641. 7650-7656——Statement as to an annual payment being made, in respect of Dinsdale dam, to Sir Edward Blackett, the adjoining riparian owner, 7743-7748.

Sutton Weir (*River Derwent*). Explanation on the subject of the removal of some cloughs at Sutton mill-dam on the Derwent, *Phillips* 1803-1829. 1865-1867.

Sweep Nets. Defence of the system of sweep net fishing, as in the Avon and Tay, under proper restrictions, *Miller* 4888-4892.

Report, 1870—*continued.*

T.

Taw and Torridge Rivers. Correction of a statement in witness's report in 1869 relative to the number of weirs on the Taw and Torridge, *Walpole* 436——Influential local movement in favour of opening the Taw and Torridge during the month of September, *ib.* 594, 595.

Information relative to certain weirs and fish passes on the Taw and Torridge; very efficient pass on the Torridge Canal weir, *Whyte* 3687-3689. 3753, 3754——Great destruction of salmon in the mill races, *ib.* 3703. 3731-3733——Urgent want of gratings at the mill races in the Taw and Torridge, *ib.* 3719, 3720. 3731, 3732 —Want of passes at the Brushford weir on the Taw, and the South Molton weir on the Mole, *ib.* 3731-3736——Alteration of late years in the time of fishing in the Taw and Torridge; increased number of fish caught in the tidal water, *ib.* 3739-3746.

Statistics of the number of boats employed, the quantity and value of fish caught, &c., in different periods in 1866-67, 1867-68, and 1868-69, *App.* 300.

Tay River. Improved state of feeling between the upper and lower proprietors on the Tay, *Miller* 5155-5162.

TEES FISHERIES:

1. *Condition of the Salmon Fisheries.*
2. *Close Time.*
3. *Poaching.*
4. *Nets.*
5. *Conflicting Interests on the River.*
6. *Exceptions taken to the Constitution and Action of the Tees Fishery Board.*

1. *Condition of the Salmon Fisheries:*

Witness has hatched several thousands of young salmon and turned them into the Tees, *Wilson* 6067-6070. 6129-6132. 6269, 6270—— Improvement in the Tees fisheries between 1861 and 1864; continued improvement till 1868, in which year and in 1869 there was a great falling off, *ib.* 6071-6098——Great and increasing destruction of salmon spawn in the Tees by bull trout; suggestion that mesh of smaller size be allowed after June for the purpose of catching the bull trout, *ib.* 6137-6142. 6271, 6272——Excellent and extensive spawning beds in the river, *ib.* 6195-6199.

Excellent quality of the red fish frequenting the Tees in September, *Hale* 6384-6392. 6463. 6477-6484——Statistics relative to the increase of the Tees fisheries since 1861, whilst they had previously decreased, *ib.* 6435-6446——Circumstance of there being three kinds of salmon and three kinds of trout in the Tees; particulars hereon, *ib.* 6463-6484——The bull trout mostly come in September and October, *ib.* 6472——The river is swarming with fry, *Surtees* 7543.

2. *Close Time:*

Suggestions for an extension of the weekly close time in the tidal waters of the Tees, *Wilson* 6145-6158. 6227-6230. 6283, 6284——Proposal that the annual close time in the Tees be extended till the 1st April, but that September be allowed for fishing, *ib.* 6159-6168. 6231-6250.

Willingness of the fishermen between Stockton and the sea not to commence fishing till the 1st May, whilst they would not object to the men up the river commencing on the 1st April, *Hale* 6367-6377. 6429-6432——Proposed extension of the fishing season by seventeen days at the other end, that is, till the 17th September, *ib.* 6378, 6379. 6433, 6434. 6444. 6446——Expediency of an extension of the weekly close time in the tidal waters of the Tees, *ib.* 6382, 6383. 6393, 6394.

3. *Poaching:*

Great increase of poaching owing to the low penalties, *Walpole* 428——Very large destruction of smolts by boys in holiday times, *Wilson* 6216. 6337, 6338——Limited amount of poaching on the Tees; more severe punishment desirable in some cases, *ib.* 6218, 6219. 6290-6295——Steps taken for the prevention and punishment of poaching on the river, *ib.* 6334-6336——Statement as to the water bailiffs not working with witness's people for the benefit of the river, *Surtees* 7390, 7391. 7431-7440. 7754-7756.

4. *Nets:*

Statement as to the hang nets being worse than the former stake nets, *Wilson* 6111-6114——Advantage of the minimum size of the mesh of nets in the Tees being 1¾ inches, so as to facilitate the capture of trout, *Hale* 6380, 6381. 6461, 6462——Restrictions desirable as regards the sparling nets used below Stockton, *ib.* 6406-6414—— Decided objection to a prohibition of night net fishing in the Tees, *ib.* 6415-6418.

Report, 1870—*continued*.

TEES FISHERIES—continued.

4. *Nets*—continued.

Inaccuracy of certain statements by Mr. Paterson as to the removal of some illegal nets having been due to the Special Commissioners; examination in detail on this subject, *Surtees* 7398. 7696–7723. 7735–7742.

5. *Conflicting Interests on the River:*

Conflict of interests of the upper and lower proprietors, the latter having naturally the larger interest in the river, *Surtees* 7441–7445. 7637–7641.

6. *Exceptions taken to the Constitution and Action of the Tees Fishery Board:*

Unduly large number of members on the Tees Fishery Board; proposal that there be only ten or twelve members, who should be elected, *Surtees* 7221–7235. 7406–7413——Difficulty of witness in getting a copy of the accounts of the Tees Board, *ib.* 7254–7260——Statement as to the unduly large sum spent by the Board in law, more especially in the inquiry into the legality of the Dinsdale Weir, *ib.* 7262–7289. 7470–7488. 7670–7686——Exception taken to a charge of 6*l.* 10*s.* for expenses of the secretary of the Board in visiting the Salmon Congress in London, *ib.* 7290–7305. 7664–7669——Complaint as to the seizure, on the 2nd February, of a fish taken by witness's men; illegality of such seizure, *ib.* 7344–7354.

Circumstance of witness not being a member of the Tees Board; explanation hereon, *Surtees* 7374. 7494–7501. 7624——Statement as to witness's brother, and one or two other relatives being members of the Board, whilst his brother's late agent was also on the board, *ib.* 7375, 7376. 7382–7384. 7629–7633——Unwillingness of the late Mr. Armstrong, when agent for witness's brother, to attend the meetings of the Board, on account of his treatment there, *ib.* 7383, 7384. 7650–7652. 7750–7753——Feeling of antagonism at the Board further adverted to in connection with the constitution of the board, *ib.* 7624–7641. 7650–7656.

See also *Dinsdale Dam.*

Teify Fisheries. Information relative to the Teify fisheries, and the large value of the public fisheries, *Walpole* 314–316. 452–456. 655–674——Abuse in the practice of net fishing in the estuary of the Teify, *ib.* 314–316——Question whether the draft net, as used in the Teify, is not a fixed engine, *ib.* 729.

Use of the coracle net in the fresh and tidal waters of the Teify, draught nets being used in the estuary, *Harris* 6856–6863——Expediency of an extension of the fishing season in the Teify till the 1st November, the river being a late one, *ib.* 6864–6873. 6985–6988——Suggested amendment also of the weekly close time, *ib.* 6874–6879——Advantage if the Teify Fishery Board were re-constituted, and if every license holder had a voice in the election of members, *ib.* 6879–6887.

Complaint in regard to the large increase of the license for coracle nets; improper action in the matter of certain members of the Fishery Board, *Harris* 6888–6895. 6938–6940. 6963. 6994–6998. 7002–7010. 7030, 7031——Suggested reduction in the size of the mesh of the net in June and July, when the sewen are in the river, *ib.* 6896–6902——Improvement if the accounts of expenditure by the local board were published, *ib.* 6903–6909——Suggestion for dispensing with water bailiffs in the fishing season, and for increasing their number in the close season, 6909–6924. 6989–6993. 7011.

Decrease for several years past in the Teify salmon fishery; probable causes, *Harris* 6925–6937——Particulars relative to the standing nets or fixed engines used in the tidal water; expediency of these being entirely prohibited, *ib.* 6941–6962. 7018, 7019——Average of from 10*l.* to 12*l.* as the earnings of each coracle net, employing two men, *ib.* 7015–7017——Statement relative to the Kenarth obstruction in the Teify, and the obstacles to its removal, *ib.* 7020–7025. 7033–7046.

Teme River. Difficulty as to the funds required to buy up the mill dams on the Teme, *Willis-Bund* 3444–3448. 3502–3507. 3509–3514. 3635–3638——Provision of fish passes over most of the weirs on the Teme, *ib.* 3484, 3485——Much larger value of the mills owned by witness on the Teme than of the fishery interest affected by the mill dams; objection to compulsory purchase in his case, *ib.* 3586–3602. 3622–3631.

Temperature (Salmon Rivers). Witness attaches considerable importance to the proposal for ascertaining information as to the temperature of the salmon fisheries rivers, *Buckland* 4255–4259——The local boards, through their water-bailiffs, could readily ascertain the temperatures, *ib.* 4257.

Thames, The. Witness produces a cast of a salmon of twenty-three pounds, recently caught in the Thames, but cannot say that this was a Thames-bred fish, *Buckland* 5179.

Thurso Fisheries. Immense improvement effected by witness in the Thurso fisheries since he first rented them in 1852; this has been owing to the steps taken for preventing over-fishing, and for facilitating the ascent of the salmon, *Dunbar* 5194–5196. 5248–5257. 5260.

Report, 1870—*continued.*

Thurso Fisheries—continued.

5260. 5384-5392——Advantage consequent upon the prohibition of trout fishing from the 15th April to the 1st June, *Dunbar* 5308-5312. 5339-5341. 5379, 5380.

See also *Gratings, &c.*

Topcliffe Weir (River Swale). Peculiarly formidable weir at Topcliffe on the Swale, so that the salmon cannot pass it, *Phillips* 1607-1612.

Torridge, The. See *Taw and Torridge Rivers.*

Towey River. Description of the mode of net fishing in the Towey, the nets being used chiefly within the tidal limits, *Lewis* 6662-6671. 6679-6693. 6830-6832——Statement in favour of the fishing season in the Towey being extended till the 31st October, it being a very late river, as the salmon do not come up till August, *ib.* 6672-6678. 6684. 6732-6734. 6824-6826——Suggested reduction in the size of the mesh of the net from the 15th June till the 15th August; explanation hereon that during this period sewen only are caught, *ib.* 6679-6686. 6784-6794. 6819, 6820——Importance of restrictions as regards the use of draft nets high up in the river, *ib.* 6695-6698. 6771-6780.

Amendments proposed in the constitution of the Towey Fishery Board, so that the fishermen generally may be fairly represented, *Lewis* 6699-6701. 6735-6754. 6781-6783. 6802-6805. 6821-6823——Undue increase recently made by the fishery board in the license for nets, *ib.* 6709-6722——Statement of the quantity and value of the fish taken by the nets; very small average earnings throughout the season, *ib.* 6723-6726. 6795-6801. 6833-6863——Decreased capture of fish in 1869; great falling off since 1861, and the increased use of draft nets, *ib.* 6727-6732. 6759-6779. 6806-6808——Aggregate of about 700 *l.* as the value of the net fishing in 1869, *ib.* 6827-6829.

Trent Fisheries. Very injurious obstruction of portion of the Trent by navigation weirs, *Walpole* 46-48——Great extent of the Trent district, whereas the salmon fisheries are very unproductive, the income from licenses in 1869 having been only 70 *l.*, *Hutton* 1245-1255. 1285——Effect chiefly of the weirs in preventing any development of the Trent fisheries; very injurious effect also of pollutions, *ib.* 1256-1267. 1324, 1325——Particulars relative to the numerous weirs on the Trent and its tributaries; total of thirty-six weirs, seventeen of which are very obstructive, *ib.* 1259-1263. 1305-1311.

Efforts made by the Trent Board to provide fish passes, 400 *l.* having been expended for the purpose, *Hutton* 1268-1270——Objections made by the owners of the weirs to the construction of passes, *ib.* 1271. 1282——Importance of power being given for the construction of fish passes in the weirs on the Trent, &c.; also for the purchase of the weirs, *ib.* 1292, 1293. 1349-1354. 1425-1433. 1471, 1472——Great improvement feasible in the Trent fisheries, the river being peculiarly suitable for salmon, and having been very productive formerly, *ib.* 1294-1304. 1508-1513. 1563.

Question considered as to the means of the Trent Board for raising funds for the construction of fish-passes, and for compensating the owners of the weirs in case of removal, *Hutton* 1312, 1313. 1341-1356. 1429-1433. 1552, 1553. 1561-1573——Statement relative to the recent erection of weirs at Tutbury and on the Churnet, *ib.* 1305-1311. 1346, 1347. 1481-1483. 1558-1562——Employment of a constable by the Trent Board as water-bailiff, *ib.* 1314-1318. 1404-1406——Very little interest now taken in the fisheries by the conservators, enlarged powers being essential, *ib.* 1319-1325. 1348-1350. 1458-1460.

Absence of complaint as to the constitution or working of the Trent Fishery Board, *Hutton* 1381-1383. 1418-1420. 1463——Power of the salmon to ascend all the weirs in the Trent in flood time, *ib.* 1489-1491. 1543-1545——Obstacle to the purchase of a certain mill-dam owned by the Duke of Newcastle, *ib.* 1491-1493. 1564-1573——Reference to the operations on the Trent of an angling association at Nottingham; probable advantage if the board of conservators acted in concert with this association, *ib.* 1514-1523——Considerable quantity of trout in the river, it being well suited for them, *ib.* 1581-1587.

Trout. Suggested prohibition of netting for trout during the netting close season for salmon, *Walpole* 422——Expediency also of prohibiting the possession of trout during those months in which their capture is illegal, *ib.*——Proposed restriction as regards the use of trout nets, *Fenwick* 1106-1111——Suggested license on trout nets, *Hutton* 1488——Suggested prohibition of the capture of trout below a certain size in salmon rivers, *Willis-Bund* 3238, 3239. 3354-3356. 3478-3481. 3540-3545.

Recommended prohibition of the sale of trout between the 3rd November and the 1st February, *Lloyd* 4584-4587. 4616-4619——Non-objection to the reduction in the mesh of the nets in the Tay, or in rivers where there are many trout, *Miller* 4730-4734——Proposal that trout fishing be prohibited for a certain period; advantage of such prohibition in the Thurso from the 15th April to the 1st June, *Dunbar* 5308-5312. 5339-5341. 5379, 5380——Means of preventing the illegal

Report, 1870—*continued.*

Trout—continued.

capture of salmon in trout nets of a smaller mesh, used in the sea, *Lisle* 5564–5571. 5875–5881——Prohibition desirable upon angling for trout in April and May, on account of the numerous young salmen thus destroyed, *Harris* 6973–6981——Expediency of curtailing trout fishing in salmon rivers, *Garnett* 7818, 7819.

Advantage if trout fishing in salmon rivers could be prohibited during the descent of the salmon fry; belief that in Ireland this would not create an outcry, *Brady* 8179, 8180. 8227–8230. 8247–8251. 8368–8371——Objection to a large mesh in some districts, as preventing the capture of sea and river trout, *ib.* 8360, 8361.

Tweed Fisheries. Large extent of the Tweed fisheries now under witness's charge, *List* 2420–2422——Varying rental or value of the fisheries; important increase in recent years, *ib.* 2423–2425. 2502–2507——Provisions in regard to assessment, under the Tweed Acts of 1857 and 1859; absence of complaint, *ib.* 2426–2429. 2488–2493——Much longer close season on the Tweed for nets, than for rods; approval of this arrangement, *ib.* 2448, 2449. 2484–2487. 2508–2517. 2560, 2561.

Prohibition of fixed nets in the Tweed, and in the estuary within certain limits, *List* 2451, 2452——Restrictions in regard to the use of weir shot nets, *ib.* 2454–2458. 2519–2525——Important increase in the size of Tweed salmon since the removal of fixed engines, *ib.* 2504–2507—— Objectionable use of hang nets or bob nets, some time ago, in the estuary, *Dunbar*, 5271–5275.

TYNE FISHERIES:

1. *Date of Creation, and Limits, of the Tyne Fishery District.*
2. *Condition of the Fisheries in the River and the Estuary.*
3. *Effect of the Removal of the Bywell Dam.*
4. *Effect of Pollutions in the River.*
5. *Hang Nets, as used by the Cullercoats Fishermen; question as to their Prohibition.*
6. *Suggested Permission to Anchor or fix the Nets.*
7. *Constitution and Action of the Tyne Fishery Board.*
8. *Question of Funds for the Improvement and Protection of the River.*
9. *Suggestions generally for the Improvement of the Fisheries.*

1. *Date of Creation, and Limits, of the Tyne Fishery District:*

Explanation relative to alterations recently made in the limits of the Tyne fishery district, *Walpole* 309–312——Creation of the Tyne fishery district in May 1866, *Cuthbert* 2115.

2. *Condition of the Fisheries in the River and the Estuary:*

Great diminution in the Tyne fisheries owing to over fishing, by hang nets, three or four years ago, *Walpole* 33. 186–193. 289, 290——Bull trout are now beginning to appear in the river in large numbers, *ib.* 241. 747——Very few fish caught on the south side of the Tyne estuary, *Cuthbert* 2284–2288.

Employment of from 200 to 300 men at Cullercoats in the salmon and other fisheries, *Lisle* 5422–5425. 5794–5799. 5942——Very bad season in 1869 as compared with 1868; good prospects of the present season, *ib.* 5441–5453. 5508–5514——Obstacle on account of the traffic to net fishing on the south side of the Tyne *ib.* 5518–5521 ——Belief that excessive net fishing in 1868 had nothing to do with the bad season in 1869, *ib.* 5644–5648——Other means of living open to the Cullercoats fishermen, in addition to salmon fishing; total number employed in the fishery, *ib.* 5789–5799. 5893–5895. 5914–5920.

Doubt as to any scarcity of supply in the Tyne through the action of the nets in the sea; impression that the upper proprietors have had their full share, *Lisle* 5813–5834. 5923–5937——Probability of too many fish going up the Tyne with reference to the extent of the spawning grounds, *ib.* 5822, 5823. 5836–5844.

Statement to the effect that the bad season in the Tyne in 1869 was owing to the dry weather and to the alkali works, rather than to excessive net fishing in the sea in 1868, *Bolam*, 5970–5990——Doubt as to many salmon being taken up the river, *ib.* 6019, 6020. 6040, 6041——Large increase in the number of boats and men employed in the Tyne sea fisheries *ib.* 6038, 6039. 6049–6051——Very small earnings of witness and his men, *ib.* 6042–6046——Probable cause of the large diminution of net fishing, *Brady* 8052, 8053.

3. *Effect of the Removal of the Bywell Dam:*

Marked improvement in the Tyne since the removal of the Bywell Dam, *Walpole* 33—— Great decrease in the supply of salmon in the Tyne previously to 1861, owing to the obstruction caused by the Bywell Dam, *Cuthbert* 2082–2088——Even had it been necessary

TYNE FISHERIES—continued.

3. *Effect of the Removal of the Bywell Dam*—continued.

necessary to buy up the dam, the cost would have been covered over and over again by the improvement effected, *Dunbar* 5227, 5228——Commencement of salmon fishing in the sea near Cullercoats in 1867, the fishery having improved through the removal of the Bywell Dam, *Lisle* 5428-5440.

Statement as to the Tyne not being so good a river as before the removal of the Bywell Dam, *Surtees* 7544-7548.

4. *Effect of Pollutions in the River:*

Limited extent to which pollutions in the river affect the passage of the fish, or are injurious to them, *Cuthbert* 2319-2323. 2402, 2403——Great distruction of fish by the alkali works, *Lisle* 5836, 5837; *Bolam* 5983-5990.

5. *Hang Nets, as used by the Cullercoats Fishermen; question as to their Prohibition:*

Want of control in the matter of hang nets, these being very injurious to the fisheries, *Walpole* 33. 186-193. 289-290. 305-308——Sundry details relative to, and in condemnation of, the use of hang nets in the estuary, whereby the Tyne fisheries have been well nigh exhausted, *Cuthbert* 2129 *et seq.*——Protective provisions in the Tyne Fishery Act of 1842 on the subject of hang nets, &c., *ib.* 2149-2153. 2314-2318. 2349, 2350——Practice of fastening several hang nets together, and also of anchoring them, so that they become fixed engines; large seizures in consequence of this abuse, *ib.* 2154-2165. 2188-2197. 2301, 2302. 2409——Ultimate benefit to the Cullercoats fishermen by restrictions on the use of hang nets, &c., *ib.* 2250-2258. 2274-2279. 2297-2300. 2310-2313.

Strong condemnation of the hang nets used in the estuary; they are ruining the river, and should be prohibited altogether, *Dunbar* 5261-5263. 5324-5329. 5346-5358. 5373-5378——Witness has seized a great many of these nets, *ib.* 5261-5263——Expediency of prohibiting hang nets, notwithstanding the representations of the Cullercoats fishermen, *ib,* 5324-5329. 5373-5378——Very little use of hang nets on the south of the entrance to the river, the fish mostly coming from the north, *ib.* 5350-5358. 5398-5401.

Description and defence of the hang net as used by the Cullercoats fishermen, *Lisle* 5454-5456. 5461 *et seq.*——Statement as to witness not having been aware that the Cullercoats fishermen were prohibited by the Tyne Act of 1842 from using the hang net within half a mile of the estuary, *ib.* 5658-5667 ——Obstacle to the use of nets of great length, the salmon moreover having sufficient facilities for reaching the river, *ib.* 5800-5809. 5813-5833 ——Use by witness of nets about 400 yards long; he has never used a longer net than 500 yards, *Bolam* 5967-5969.

Advantage in the case of the Tyne, of a power to restrict the use of very long nets, subject to appeal, *Brady* 8049-8052.

6. *Suggested Permission to Anchor or fix the Nets:*

Suggestion that it be permitted to anchor the nets so as not to interfere with the Norwegian line fishing, *Lisle* 5574-5579——Advantage as regards crab-fishing, if the salmon nets might be anchored, *ib.* 5589-5592——Evidence in further support of permission to use nets of unlimited length, and to anchor them; witness would consent in such case to a limitation as to fishing in the estuary, and to a postponement of fishing till the 1st April, *ib.* 5593-5598. 5606-5617. 5667-5670. 5723-5734. 5752-5754. 5778-5788. 5800 *et seq.*, 5896, 5897——Obstacle to the capture of mackerel near the Tyne on account of the nets not being allowed to be fixed, *ib.* 5599-5605——Circumstance of the hang nets having been extensively anchored in 1868, many having been seized in consequence, *ib.* 5685-5702. 5713-5722——Late period of the season at which a power of anchoring the nets would be desirable, *ib.* 5906-5910——Great benefit to the sea fishermen if allowed to fix their nets, *Bolam* 6036.

7. *Constitution and Action of the Tyne Fishery Board:*

Explanation and approval of the constitution of the Tyne Board; limited attendance of members adverted to, *Cuthbert* 2271-2273. 2290-2296. 2305. 2324. 2372-2379. 2391, 2392——Examination as to the constitution and action of the Tyne Board of Conservators; satisfaction expressed generally with the operation of the board, *Lisle* 5624-5637. 5862-5874. 5898. 5938——Objection to the constitution of the board on the ground that the sea fishermen are not fairly represented, *Bolam* 5995-6001. 6029, 6030. 6052-6054.

8. *Question of Funds for the Improvement and Protection of the River:*

Suggestions as to the mode of raising money from the upper and lower proprietors respectively, in order to do away with obstructions, *Walpole* 133-138——Formation of an association by the riparian owners upon the removal of the Bywell dam, funds having been voluntarily raised, and expended in police constables, *Cuthbert* 2097-2114——

Report, 1870—*continued.*

TYNE FISHERIES—continued.

8. *Question of Funds for the Improvement and Protection of the River*—continued.

Statistics of the receipts from licenses in each of the last three years; great decease owing to the decrease of salmon, *Cuthbert* 2116–2128——Particulars as to the scale adopted in levying general licenses, *ib.* 2334–2340. 2400, 2401——Sufficient resources of the Tyne Board for freeing the river from weirs or dams, *ib.* 2394–2399——Exception taken to the licenses for sea fishing, as fixed by the Tyne Board, *Lisle* 5638–5643. 5766–5769. 5853–5860. 5898.

9. *Suggestions generally for the Improvement of the Fisheries:*

Enumeration of suggestions set forth in the Tyne Fishery Bill of last Session for the improvement of the fisheries, *Cuthbert* 2218–2241——Speedy revival expected in the Tyne fisheries, if the measures advocated by witness be carried out, *ib.* 2249. 2349, 2350——Advantage of prohibiting fishing within 100 yards of the bar, *ib.* 2308, 2309——Approval of the unrestricted use of ordinary nets in the estuary, *ib.* 2366, 2367——Valuable provisions in the Tyne Act of 1842, which were repealed by the General Act of 1861; useful provisions, however, in the latter Act, and in the Act of 1864, *ib.* 2404–2408. 2414–2416.

Advantage if net fishing in the Tyne did not commence till the 1st April, so as to let the early fish up the river, *Dunbar* 5330–5335——Approval of an extension of the close time till the 1st April, *Lisle* 5606–5617. 5723–5727. 5896, 5897——Advantage of prohibiting draft net fishing in the estuary, *ib.* 5819. 5831. 5833. 5845.

Amendments proposed by the Tyne Board in June 1869, in the Bill introduced in that year, *App.* 298.

See also *Hang Nets.*

U.

Umberleigh Weir (*River Taw*). Expediency of a proper pass being made in this weir, *Lloyd* 4533–4540.

Unseasonable Fish. Improvement of the fisheries, owing partly to the preservation of the unseasonable fish, *Walpole* 32——Want of definition by law of unclean and unseasonable fish, *Willis-Bund* 3236, 3237——Means of distinguishing an unclean fish, *Lisle* 5887–5890. 5911–5913.

Upper Proprietors. Obstacle to giving any special advantage to nets in the upper part of the Tweed, *List* 2562, 2563—— Statement as to the upper proprietors not having had their fair share of the increase of salmon since the Act of 1861, *Lloyd* 4588–4591——Examination to the effect that witness desires to give the upper proprietors their fair share of the fisheries, whilst he dissents from the view that the decline in the fisheries is owing to over-fishing in the lower waters, *Miller* 4855–4879. 5045–5052. 5139–5145.

Belief as to the interests of the upper and lower proprietors being identical, *Dunbar* 5413–5415——Primary importance of giving the upper proprietors a much better supply of fish, *Garnett* 7808. 7826–7832. 7846. 7852——Salutary effect of the co-operation of upper and lower proprietors in Ireland, *Brady* 8240–8243.

See also *License Duties. Rate.*

Usk River. Probability of the Usk being much improved through the purchase of a certain weir, *Willis-Bund* 3632–3634; *Lloyd* 4526–4532.

See also *Wye and Severn Fisheries.*

V.

Value of Fisheries. Estimate of 30,000 *l.* a year as the value of the salmon fisheries of England before the Act of 1861; data for this calculation, *Walpole* 8, 9——Grounds for the calculation that since the Act of 1861 the value of the net fisheries has more than doubled, and may now be taken at 70,000 *l.* a year, *ib.* 10–27——Further increase anticipated in the value of the fisheries, *ib.* 28——Immense extent of country capable of producing salmon, though not now productive, *ib.* 51, 52.

Contrast between the low value of the salmon fisheries in England and the value of the Irish fisheries, *Bateman* 2773——Grounds for dissenting from certain calculations of Mr. Walpole as to the value of the salmon fisheries, and the earnings of the men employed, *Brady* 8160-8169.

Deterioration of the fisheries owing to several causes, *Rep.* iii.

See also *Dry Seasons. Over-fishing.*

Valves or Sluices (*Fishways*). Reference to a self-acting valve now in operation on the Derwent, *Hutton* 1337–1340——Explanations and suggestions relative to the construction of self-acting valves for passes in weirs; these may be provided in numerous instances with very great advantage, *Bateman* 2614–2625. 2722–2727. 2746–2750——Suggestions on the subject of self-acting valves or sluices for closing the openings when the water is so low as to be all required by the mills, *Roberts* 2819–2825——Explanation relative

Report, 1870—*continued.*

Valves or Sluices (*Fishways*)—continued.

relative to a sluice not self-acting, designed by witness for regulating the flow through fish passes, *Gray* 3140-3150.

Statement in explanation and approval of a self-acting sluice, as designed by Mr. Charles Meyrick, *Brady* 7983-7994——Facility of working hand sluices, *ib.* 7995, 7996——Contemplated option in the miller to use a self-acting valve or a hand sluice, *ib.* 8355-8359.

W.

Wages of Fishermen. Statement of the terms on which witness's men are engaged; difficulty in ensuring their continued service, *Miller* 4803-4810. 4919-4921. 5128-5137. 5163-5168.

Walkey, Elliott Collyns. (Analysis of his Evidence.)—Is vice-chairman of the Exe Fishery Board, 3898-3901——Excellent spawning ground in the Exe, which was formerly a very productive salmon river, but has become almost valueless on account of the weirs, and of pollutions, 3902-3909. 4040-4045. 4092-4096. 4101-4103. 4122——Obstacle to the construction of fish-passes on account of the want of funds; advantage of a Government grant for the purpose, 3910. 3934-3939. 4086-4091.

Failure of a pass erected by the Exe conservators, for which a model was supplied by Mr. Buckland; witness does not hold the latter responsible for this failure, 3911. 4076-4080. 4104-4121——Want of power by the Exe Board to make passes in weirs, and to deal with pollutions; probable expenditure necessary, 3912-3920——Importance generally of a power in boards of conservators to construct passes, these being feasible in all cases without injury to the weirs, 3917-3933.

Advantage of a power in local boards to remove abandoned weirs, 3940-3942——Decided objection to fishing being allowed within a certain distance of the weirs, both above and below, 3943-3947. 4057-4060——Importance of gratings at mill races; suggestions as to their mode of construction, 3948-3958. 4033. 4053-4055——Approval of some extension of the power of water-bailiffs, 3959-3963. 3973-3975. 4014-4016. 4029-4032——Proposed extension of the annual close season for small rivers, 3964-3967——Suggestion that an extra month be allowed to the upper proprietors for rod fishing, 3968, 3969. 4023, 4024. 4037——Extension proposed in the weekly close time, 3970-3972.

Restrictions suggested in regard to the use of nets, and the size of the mesh, 3973-3981. 4025-4027——Advantage of additional powers of inquiry on the part of the Special Commissioners, 3982-3987——Suggestion that bye-laws be made by the local boards, subject to confirmation by a Government board or tribunal, 3988-3999——Way in which the proposed tribunal might be constituted; the present inspectors might be dispensed with, 3989-3995——Suggestion that the county surveyors might act as district inspectors, 3990, 3991. 4028. 4069-4075.

Existence of only one navigation weir on the Exe; form of pass desirable, 3999, 4000——Advantage of a license being necessary before any person can sell salmon, 4001——Suggested restriction upon the use of eel-traps, which should also pay a license, 4001-4008——Way in which the county police might aid in protecting the fisheries, 4009, 4010. 4097-4100——Proposal for removing the objection of conservators to make fish-passes through fear of injury to the weirs, 4010, 4011.

Advantage of requiring all the water to be sent over the weir, when not wanted for the mills, 4011, 4012——Recommended prohibition of fishing within fifty yards of the tail race, 4012-4014——Objection to any power to sell salmon after the 1st September, 4016-4024——Advantage if all nets were required to be licensed, 4025-4027. 4061-4068——Want of funds, owing to which there is now no water-bailiff on the Exe, 4038, 4039.

Punishment of poachers on the Exe by fining them; approval of imprisonment for night poaching, 4046-4052——Impression as to the illegality of a weir belonging to the railway company near Exeter, 4050——Improvement required and contemptated in the pass at Cowley Bridge, 4081-4085——Further reference to the amendment required on the subject of pollutions, 4123-4125——Advantage if stone weirs were substituted for brushwood weirs, 4125——Increased penalty desirable as regards the destruction of fish by lime, 4125-4127.

Walpole, Spencer. (Analysis of his Evidence.)—Has been one of the Inspectors of Salmon Fisheries for the last three years, 1-3——In the discharge of his duties, has had great opportunities of becoming intimately acquainted with the condition of the salmon fisheries, 4-7.

Estimate of 30,000 *l.* a year as the value of the salmon fisheries of England before the Act of 1861; data for this calculation, 8, 9——Grounds for the calculation that since the Act of 1861, the value of the net fisheries has more then doubled, and may now be taken at 70,000 *l.* a year, 10-27——Varying value of the Dee fisheries, as represented by the licenses; abuse in the transfer of licenses, 21-24. 160.

Report, 1870—*continued.*

Walpole, Spencer. (Analysis of his Evidence)—*continued.*

Further increase anticipated in the value of the fisheries, 28——Retrogression in certain cases, by over-fishing, after the increase has arrived at a certain point, 28, 29. 33——Several causes, under the Act of 1861, to which the improvement of the fisheries is owing, 30-33.

Explanations in connection with a certain map, prepared according to witness's instructions, and showing, by means of different colours, the actual state of each river in England and Wales, and the difficulties attending salmon cultivation, 34-50——Immense extent of country capable of producing salmon, though not now productive, 51, 52——Considerable obstruction through the absence of fish-passes over weirs; there is, however, much misapprehension and exaggeration on this point, 53. 67-76.

Great defect of the Act of 1861, as not giving power to take weirs by compulsion or purchase; suggestions hereon as to the mode of ascertaining and providing the amount of compensation, 54-68. 88-91——Reference to the chief productive rivers of the country, as either free from weirs or as provided with efficient passes, 69——Numerous passes built under the Act of 1861, though not formally approved of; very beneficial results consequent, 70-76. 91——Obstacle to formal approval of fish-passes, as giving the owner the right of net fishing immediately below; suggested removal of this right, 71. 86, 87——Approval of the provision that fishing-weirs shall have one-tenth of the breadth of the stream for the gap, 77.

Abuse involved in the provisions of the Act of 1861 as to fishing mill-dams; remedy suggested, 78-84——Peculiar and objectionable form of weir in operation upon the Avon in Hampshire, 85——Obstacle to the construction of fish-passes in unproductive rivers on account of the absence of licenses, and the want of funds, 92-95——Practicability of constructing an adequate pass over every dam; in some cases, the expense would be out of proportion to the results, 96-98.

Grounds for concluding that the plan of fishway recommended by Mr. Paterson would be inoperative during the summer and autumn months, 99-104. 123——Expediency of power to apply compulsory regulations in dealing with the millers, 105, 106——Opinion that a special inquiry would be useless and impolitic in the case of ordinary mill-dams, 107-112——Belief as to certain old statutes not being applicable to non-navigable rivers, 111, 112——Reference to the introduction of pound locks, and their effect in obstructing the passage of the fish, 113.

Exception taken to certain conclusions laid down by Mr. Paterson as to some old statutes being applicable to all weirs, 114-116——Entire inadequacy of one description of fish-pass for all weirs, 117. 122——Instances of the construction of very efficient passes, as on the Coquet, the Ribble, the Dee, &c. 118, 119——Failure of passes in numerous instances, owing to different causes, 120, 121.

Suggestions relative to the taxing respectively of the riparian owners and of the lower or tidal proprietors, for the construction of fish-passes, &c., 124 *et seq.*——Objection to a rate as altogether unequal and inapplicable in a great majority of cases, 126 *et seq.*——Unfairness of taxing the riparian owners for benefits which in the great majority of cases would be reaped by the tidal fishermen; proposal hereon for levying contributions according to frontage, the lower proprietors paying an enhanced rate, 128 *et seq.*——Expediency of the lower proprietors paying increased license duties, 159——Proposition for making the licenses personal, so as to prevent transfer; exception necessary in the case of several or private fisheries, 160-167.

Opinion favourable to an extinction of common rights where there is no fishery, 168-172——Great injury to many rivers by the large absorption of water by canal and water companies; remedy suggested, 173-185——Great diminution in the Tyne fisheries, owing to over-fishing by hang-nets, three or four years ago, 186-193——Restrictions suggested, by means of bye-laws, as to the length of the nets and the size of the mesh, 193-195. 200. 210, 211.

Amendments required in the case of the Dee as regards over-fishing, weekly close time, &c., 198-208——Expediency of power in boards of conservators generally to make bye-laws relative to nets, close time, &c., subject to the approval of the Home Office, 200. 210, 211——Suggested increase of the weekly close time to forty-eight hours, 208——Difficulties on the Wye, owing to the large portion of the river which is netted, 209——Advantage of a nightly close time in fresh water, *ib.*

Evidence in support of the conclusion that the annual close season should vary in different rivers, 212-222. 233-237——Similarity between the Eden and the Derwent on several points, whereas a different close season is very desirable, 218, 219——Statement in favour of bye-laws for regulating the close season being made by the local boards, subject to a central authority; objection to the judges at assizes as the confirming authority, 223-232. 234-236——Progressive decline in the Conway fisheries since the close season has been made to commence on the 1st September, 233——Expediency of power to vary the season during which the fish caught in different rivers may be sold, 235, 236——Great increase of bull-trout in many rivers, to the great destruction of salmon; advantage on this score of varying the close season, 238-242.

[Second

Report, 1870—*continued.*

Walpole, Spencer. (Analysis of his Evidence)—*continued.*

[Second Examination.] Statement in favour of an assimilation of the weekly close time in England to that in Ireland, where the time is from six o'clock on Saturday morning to six o'clock on Monday morning, 243–249. 253–261——Suggestions on the subject of an available weekly close time, by means of bye-laws, 250–252——Advantage of a definite weekly close time being fixed by law, in the first instance, subject to subsequent alteration, 253–261.

Proposal for prohibiting net fishing at night in the fresh waters of rivers in England, this being now the law in Ireland, 259. 262–275——Evidence in support of a power, by means of bye-laws, to modify the meshes of nets, and to provide for a maximum as well as a minimum size, 276–300——Power in Scotland and Ireland to make bye-laws for regulating the mesh of the net, 296–299.

Further statement in favour of bye-laws relative to nets, &c., being initiated by the boards of conservators, and sanctioned by the Home Office, 300–303——Illustration in the case of the Tyne and other rivers, of the want of control as to the particular mode in which certain nets are used in estuaries, 304–329——Explanation relative to alterations recently made in the limits of the Tyne fishery district, 309–312——Restrictions desirable as regards the use of stake and other nets for the capture of different fish, salmon also being caught in these nets, 319–329.

Advantage if there were power to unite fishery districts, and to dissolve districts, 330–332——Evidence in detail relative to the constitution of boards of conservators, and the amendment desirable, 333 *et seq.*——Approval of the amount of the license-duties being left, as at present, to the central authority, 399——Suggestions for an extension of the power of water-bailiffs, 400–408.

Importance of all mill races being furnished with a grating during certain periods of the year, 409–411——Approval of its being compulsory to mark or number all boats used in salmon fishing, 412–416——Opinion that the expense of passing salmon over navigation weirs must fall upon the boards of conservators, 417–419——Recommendation as to the removal of eel-traps during the summer months, 420.

Suggested prohibition of netting for trout during the netting close season for salmon, 422——Expediency also of prohibiting the possession of trout during those months in which their capture is illegal, *ib.*——Question whether there should not be a close season for char, 423, 424——Proposed extension of the penalties for destroying fish by lime, 425——Opinion favourable to minimum penalties generally, 426–428.

[Third Examination.]—Further reference to witness's proposal for incorporating into the Salmon Act certain clauses of the Lands Clauses Consolidation Act, 430, 431——Incomplete character of the inquiry by witness and his colleague, as to the number of weirs remaining to be considered on the score of illegality, and as interfering with the passage of the fish, 432–435——Correction of a statement in witness's report in 1869, relative to the number of weirs on the Taw and Torridge, 436.

Statement in further disapproval of any interference with the title to navigation weirs, or any special inquiry on the subject, 437–439. 483–485——Approval of the owners of navigation dams, erected within the last twenty years, being compelled to provide fish-passes; doubt as to any such dams existing, 438–442——Details in further elucidation of the suggestions of witness for the election of boards of conservators; memorandum on the subject, 443–450. 480–482.

Further evidence in support of witness's objection to raising funds by means of a rate; excessive pressure thereby on the private fisheries, 451–458——Information relative to the Teify fisheries, and the large value of the public fisheries, as compared with the private fisheries, 452–456. 655–674——Valuable amendment in the Bill of last Session as to the approval of licenses, &c., 459, 460——Opinion in favour of one consolidated law for England and Scotland, but not for Ireland also, 461–464——Objections to one fishery board for the United Kingdom, in lieu of the present system; doubt as to any economy on the score of staff, 465–474.

Entire dissent from the view that the Bill of last Session contained no valuable provisions, 475, 476——Expediency of proceeding by gradual legislation, 477, 478——Importance attached to a power in boards of conservators to make bye-laws, subject to central approval, 479. 492–496. 531–538——Prospect of the inquiries by the Special Commissioners being soon terminated, 486–488——Entirely distinct functions of the inspectors and of the Special Commissioners, 489.

Conclusion as to certain fish-passes being binding on all parties, though they have not been formally approved by the Home Office, 490, 491——Expediency of the local bodies applying the law according to the local circumstances of each river, 492–496. 531–538——Grounds for objecting to a similar constitution of boards of conservators in England as in Ireland or Scotland, 497–506——Further consideration of the question of weekly close time, witness proposing to extend the time to forty-eight hours, 507–512.

Approval of facilities for netting char and trout except at a certain time of the year, 513–515——Advantage if persons were paid for destroying bull trout, 516, 517——

Report, 1870—*continued.*

Walpole, Spencer. (Analysis of his Evidence)—*continued.*

Further reference to the improper way in which draft nets are shot, it being desirable to enforce certain regulations on the subject, 518-522——Varying practice in different counties as to the employment of the police in watching the fisheries, 523-527——Advantage of employing the coast guard in the matter, 528–529——Conditions necessary before any person can interfere to prevent poaching, 530.

Consideration of certain objections to witness's plan of election of conservators; dissent from the view that an undue power would belong to the owners of several fisheries, 531-555——Expediency of a restriction of the right of fishing within a certain distance of mill-dams, 556-557. 561-567——Grounds for the approval also of a compulsory power to purchase the whole or portion of a dam, 556, 557. 613, 614. 622-625. 631——Ample power for the removal of inefficient passes over fishing mill-dams, 558, 559.

Further statement relative to the Derwent and Eden, as regards the expediency of a later close season in the former than the latter, 568-598——Want of power to extend the time of sale as well as the time of capture, 592, 593——Influential local movement in favour of opening the Taw and Torridge during the month of September, 594, 595.

Information relative to the functions and duties of the inspectors, 599–609——Willingness evinced generally by the millers and owners of weirs to facilitate the passage of the fish, 610–612——Failure of many passes, such as those built on Mr. Forsyth's plan; considerable cost of some of these, 615-621——Few instances in which it might be desirable to mortgage the license duties in order to purchase dams; advantage, however, of giving the power to purchase, 622–631.

Further statement in favour of water bailiffs being empowered to search the pockets of persons in certain cases, 632–637——Illegality of fixed nets at night, or any other time, 638–641——Want of increased power in bailiffs to traverse banks of rivers, 642, 643——Necessity of gratings at mill races further adverted to, that is at certain times, 644–647——Reference to the dam at Armathwaite as enabling the salmon to go up when there is a moderate fresh, 648–652.

Statement in further explanation of witness's proposal for basing the rating upon the frontage, an increased rate being levied in the estuaries, 653-654. 704, 705. 732-737——Further evidence in favour of the annual and weekly close time being in the first instance defined by law, and of its resting with the local boards to make alterations by bye-laws, subject to central approval, 675-682——Opinion as to its not being necessary or desirable that the inspectors should in all cases make local inquiry before action is taken for the removal of dams, &c., 679–690.

Expediency of power in local boards to restrict the fishing, with a view to keeping up the supply or stock of fish in the river, 691-693——Restriction desirable as regards net fishing in the Avon and Stour, in order that free gaps in the weirs may permanently increase the supply, 694-698——Further suggestion on the subject of prohibition of sale during the close season, 700, 701. 708-710——Necessity of a lapse of three or four years before the benefits of the Act of 1865 could be tested, 702, 703.

Statement in further approval of excluding public or common rights where they are of nominal value, and as a means of promoting the development of the fishery, 706, 707——Belief as to the efficiency of the Clitheroe pass on the Ribble, 711–714——Causes of the decline in the Conway fisheries further adverted to, 715——Reference to the growth of morts and sprods; belief as to the former being bull trout, so that their destruction is desirable, 716-720.

Sufficiency of bye-laws as a means of dealing with the abuse arising from haaf nets, 721-728——Question whether the draft net, as used in the Teify, is not a fixed engine, 729——Grounds for the conclusion that there is no legal power to dissolve a fishery district, 730, 731——Objections to a fortnightly close time, 738-740——Further statement as to bull trout and salmon not existing together, the latter being exterminated by the former, 741–747.

Water Bailiffs. Statement in favour of water bailiffs being empowered to traverse the banks of rivers, and to search the pockets of persons in certain cases, *Walpole* 400. 408. 632–637. 642, 643——Doubt as to the expediency of giving increased powers to water bailiffs, *Fane* 952, 953. 961, 962; *Fenwick* 1120. 1167–1171. 1193–1195——Approval of power in water bailiffs to traverse the banks of salmon rivers, *Hutton* 1399, 1400; *Owen* 2041–2044; *Hallett* 4133–4135. 4219; *Lloyd* 4565; *Garnett* 7838–7840; *Rep.* v.

Usefulness of the power of constables on the Tweed to enter all lands adjoining the the river, *List* 2466-2470——Proposed extension of the power of water bailiffs for the arrest of offenders, *Willis-Bund* 3324–3327. 3439–3443——Importance of expenditure in the provision of fish-passes rather than upon water bailiffs, *Whyte* 3781–3788——Approval of some extension of the power of water bailiffs, *Walkey* 3959–3963. 3973–3975. 4014. 4016. 4029–4032; *Dunbar* 5409–5412.

Restrictions desirable as regards the right of entry of watchers upon lands; inconvenience and annoyance at present, *Surtees* 7341–7344. 7452, 7453. 7757–7760. 7768–7772.

Advantage

Water Bailiffs—continued.

Advantage of the power of water bailiffs in Ireland to traverse the banks of rivers, *Brady* 8111–8113. 8266-8268——Objection to a right of search in water bailiffs, *ib.* 8114, 8115——Legal provision in Ireland against millers or others obstructing any water bailiff or officer in carrying out the laws, *ib.* 8238, 8239——Appointment of water bailiffs in Ireland by boards of conservators, or by fishery proprietors, *ib.* 8312, 8313.

Water Supply (*Ascent of Weirs*). Amendment suggested on the subject of the supply of water to each fish-pass, and the removal of the head sluice by the miller, *Whyte* 3671, 3672. 3685. 3717-3719——Advantage of requiring all the water to be sent over the weir, when not wanted for the mills, *Walkey* 4011, 4012.

See also *Canal and Water Companies.* *Fishways, &c.*, 2.

WEIRS OR MILL DAMS:

1. *As to Inquiry into the Legality of Weirs.*
2. *As to Compulsory Purchase.*
3. *As to the Prohibition of Fishing in the Vicinity of Weirs.*
4. *As to the Obstruction caused by Weirs.*
5. *As to the Removal of Abandoned Weirs.*

1. *As to Inquiry into the Legality of Weirs:*

Opinion that a special inquiry would be useless and impolitic in the case of ordinary mill dams, *Walpole* 107-112——Incomplete character of the inquiry by witness and his colleague as to the number of weirs remaining to be considered on the score of illegality, and as interfering with the passage of the fish, *ib.* 432-435——Opinion as to its not being necessary nor desirable that the inspectors should in all cases make local inquiry before action is taken for the removal of dams, &c., *ib.* 679-690.

Expediency of a systematic inquiry by the Special Commissioners into the legality of the weirs in the Trent, and other fishery districts, *Hutton* 1281–1291. 1311. 1341–1348. 1464-1470. 1554-1559——Approval of inquiry into the legality of weirs and the construction of fish-passes being made by the Special Commissioners, or by a central fishery board, *Phillips* 1712–1722. 1782–1788. 1881–1886.

Grounds for objecting to the power of the Special Commissioners to call for title deeds; sixty years' possession should be deemed sufficient, *Surtees* 7323-7337. 7449.

Approval by the Committee of extended powers of inquiry, *Rep.* iv.

2. *As to Compulsory Purchase:*

Concurrence of evidence in favour of compulsory powers for the acquisition of mill dams, with suggestions as to the mode of providing compensation, *Walpole* 54-68. 88-91. 105, 106. 430, 431. 556, 557. 622-631; *Fane* 819–822. 872; *Phillips* 1684-1687. 1739; *Whyte* 3678. 3690. 3750-3752. 3780–3788. 3862–3864; *Dunbar* 5219-5223.

Expediency of some control on the part of the Home Office in the event of local boards having powers relative to the purchase of weirs, *Fenwick* 1069–1071. 1118——Compulsory powers should not be put in force without reference to the Special Commissioners, *Hutton* 1425–1428——Inadequacy of the powers under the Acts of 1861 and 1865 for dealing with weirs on the Wharfe, Derwent, &c.; conclusion as to the expediency of compulsory powers, *Phillips* 1616–1622. 1636, 1637. 1656–1670. 1680–1697. 1723–1725——Expediency of compulsory powers in the interests of the public, a full inquiry being essential in certain cases, *Bateman* 2635–2638. 2759–2776.

Objection to compulsory powers for the purchase of weirs, save under certain conditions, *Willis-Bund* 3414 *et seq.*——If compulsory powers of purchase be granted, they should only be exercised with the consent of three-fourths of the conservators; objection to such powers being given at all, *Surtees* 7340. 7362. 7502–7509. 7538–7557——No compulsory powers should ever be put in force, if it could be shown that an efficient pass could be made, *ib.* 7551——Disapproval of boards of conservators having compulsory powers of purchase, *Garnett* 7854–7856.

Approval by the Committee of compulsory powers, under certain conditions, *Rep.* iii, iv.

3. *As to the Prohibition of Fishing in the Vicinity of Weirs:*

Obstacle to formal approval of fish-passes, as giving the owner the right of net fishing immediately below the weir; suggested removal of this right, *Walpole* 71. 86, 87——Expediency of a restriction of the right of fishing within a certain distance of mill dams, *ib.* 556, 557. 561–567——Strong objection to netting being allowed within 100 yards below the dam, *Fane* 878–880. 950, 951; *Hutton* 1387, 1388——Non-objection to netting above the dam, *Fane* 881; *Hutton* 1389–1391.

Report, 1870—*continued.*

WEIRS OR MILL DAMS—continued.

3. *As to the Prohibition of Fishing in the Vicinity of Weirs*—continued.

Objection to the owners of a mill dam being allowed to net within 100 yards above or below the dam, *Fenwick* 1104, 1105; *Phillips* 1766; *Dunbar* 5406–5408——Suggested prevention of fishing in any fish pass or free gap, *Owen* 1915. 1924, 1925——Proposed prohibition of net fishing within 200 yards of any dam, *ib.* 1915, 1916. 1926–1929.

Obstacle to prescribing any maximum limit within which to prohibit fishing at weirs; the maximum limit might be fifty yards, *Willis-Bund* 3209–3218——Approval of a right to fish with rod and line near weirs, *ib.* 3218–3220——Decided objection to fishing being allowed within a certain distance of the weirs, both above and below, *Walkey* 3943-3947. 4057-4060——Approval of a prohibition upon fishing within 200 yards of any mill dam, more especially below the dams, *Wilson* 6185, 6186. 6296–6298.

Strong objection to the proposed prohibition of fishing within 100 yards of mill dams, *Surtees* 7364–7366. 7510–7520. 7558–7564, 7761–7767——Good condition of the fish when taken in the mill ponds as compared with their condition when taken by the rod by the upper proprietors, *ib.* 7365, 7366. 7510–7520——Approval of certain restrictions on fishing in the vicinity of weirs; that is, below the weirs, *Garnett* 7814–7817.

Practice in Ireland as to the prohibition of fishing in all mill premises, and within a certain distance of mill dams; suggestion hereon as regards mill dams in England, *Brady* 8128-8134. 8269–8271. 8298.

Opinion of the Committee that all fishing (save with rod and line) should be prohibited within a distance of 50 yards above and 100 yards below any dam or weir, *Rep.* v.

4. *As to the Obstruction caused by Weirs:*

Information relative to the very extensive exclusion of salmon from rivers by weirs, *Walpole* 40–46——Inaccuracy of the view that weirs are destructive of salmon rivers; with proper passes; they are useful rather than otherwise, *Brady* 8020–8022.

Conclusion of the Committee as to the deterioration of the fisheries, owing to the obstruction caused by weirs or mill dams; *Rep.* iii, iv——Absolute necessity of extended powers for the removal of obstructions, *ib.* iv.

5. *As to the Removal of Abandoned Weirs:*

Advantage of a power in local boards to remove abandoned weirs, *Walkey* 3940-3942.

See also *Avon, The. Dee River. Dinsdale Dam. Exe River. Fishways, &c. Lune River. Purchase of Mill Dams. Special Commissioners. Topcliffe Weir. Trent Fisheries. Wharfe, Derwent, &c. Wye and Severn Fisheries.*

Wharfe, Derwent, &c. Very extensive district represented by the Wharfe and the Derwent; small income derived from licenses on each river, *Phillips* 1592–1595——Great obstruction caused by the weirs on the Ouse, the Swale, the Derwent, and the Wharfe, to the passage of the salmon; sundry particulars hereon, *ib.* 1596 *et seq.*——Advantage of the inquiry held by the Special Commissioners on the Wharfe in 1868; inadequacy, however, of their powers, *ib.* 1620–1637. 1656-1666.

Information relative to fish passes about to be applied to the weirs at Tadcaster and Wetherby, by consent of the owners, after the designs of Mr. Roberts, *Phillips* 1624–1635. 1699–1711. 1858–1864——Extensive and excellent spawning ground in the Wharfe, the Ure, and the Swale, which require to be opened out, *ib.* 1638–1655——Expected facility in raising money by license duties or by rate, on the Wharfe, Swale, &c., if there were power to construct fish passes, *ib.* 1671–1679. 1726-1738.

Particulars relative to fish passes prepared by witness for weirs on the river Wharfe, at Wetherby and Tadcaster; excellent effects anticipated, *Roberts* 2929-2958.

Whyte, Captain Robert Charles, R.N. (Analysis of his Evidence.)—Has been a conservator of the Taw and Torridge since 1862, and had the entire superintendence of the water-bailiffs till last year, 3643–3651——Suggestions on the subject of the provision of gratings at mill races and irrigating streams; recommended adoption generally of the form of grating in successful use at Brightley mill, 3652–3659. 3700-3707. 3720——Proposed amendment of clauses 23 and 25 of the Act of 1861, by empowering Boards of Conservators, with the consent of the Home Office, to affix a fish-pass to every dam, 3660–3670. 3675-3677. 3686.

Change of practice of the Home Office since the time of Mr. Ffennell, on the subject of the compulsory provision of fish passes, 3661–3665. 3796-3802——Amendment suggested on the subject of the supply of water to each fish-pass, and the removal of the head sluice by the miller, 3671, 3672. 3685. 3717–3719——Want of a proper definition of the duties of the inspectors, 3673, 3674. 3853-3855.

Report, 1870—*continued.*

Whyte, Captain Robert Charles, R.N. (Analysis of his Evidence)—*continued.*

Proposition that an organised court of inquiry should visit the salmon fisheries in regular order, without waiting for applications from local boards, 3678. 3747-3749. 3806-3809. 3836. 3865, 3866——Contemplated power in the proposed court to purchase all fishing mill-dams, and all weirs that are proved to be a nuisance; how the funds might be provided, 3678. 3690. 3750-3752. 3780-3788. 3862-3864.

Grounds for objecting to bye-laws being made or suggested by the local boards; expediency of this duty resting with a travelling court, 3679-3682. 3858-3861——Hurried visits of the inspectors to the Taw and Torridge district; witness, however, does not complain of neglect on their part, 3683, 3684. 3810-3815. 3850-3852——Information relative to certain weirs and fish-passes on the Taw and Torridge; very efficient pass on the Torridge Canal weir, 3687-3689. 3753, 3754.

Evidence in support of the proposition that net fishing be prohibited in the fresh waters of all rivers less that 100 miles long, and that rod fishing only be allowed, 3690, 3692, 3693. 3755-3768, 3817-3835. 3885, 3886. 3895-3897——Great advantage if all net fishing, for other fish than salmon, were stopped in the estuaries during the close time, 3691-3699.

Importance attached to a uniform close season; division of opinion at the Taw and Torridge Board of Conservators on this question, 3708-3713. 3841-3849. 3871-3894——Conclusion as to fish deteriorating in all rivers about the same time, though some rivers may be later than others, 3709-3713. 3769-3779. 3871-3884. 3889-3894.

Reference to a certain model, as showing that a notch may be cut in every mill-dam without injuring the mill, 3714-3716——Urgent want of gratings at the mill races in the Taw and Torridge, 3719, 3720. 3731, 3732——Suggestion for the formation of a side fish-pass in cases where a notch in the weir cannot readily be made, 3721-3724. 3736.

Great want of a fish-pass at a mill-dam on the Ockmant river; difficulties experienced in the matter, 3724-3730——Want of passes at the Brushford weir on the Taw, and the South Molton weir on the Mole, 3731-3736——Alteration of late years in the time of fishing in the Taw and Torridge; increased number of fish caught in the tidal water, 3739-3746.

Examination in support of the conclusion that the fisheries would be much more productive and more valuable to the riparian owners, if rod fishing only were allowed in fresh waters, 3755-3768. 3825-3835. 3885, 3886. 3895-3897——Importance of expenditure in the provision of fish-passes rather than upon water bailiffs, 3781-3788——Suggestion that when rivers are placed under the police, the latter should have full power of going upon private lands, 3789-3792.

Approval of a permanent fishery board in London, with district inspectors; local boards might in such case be dispensed with, 3856, 3857. 3867-3870——Circumstance of Mr. Ffennell having been favourable to the prohibition of netting in fresh waters, 3897.

Willis-Bund, John. (Analysis of his Evidence.)—Is vice-chairman of the Severn fishery board, is owner of a salmon fishery on the Teme, and is also a millowner and weir-owner on the Teme, 3175-3183——Inadequacy of the penalty provided by the Act of 1861, relative to the polution of rivers; amendment suggested, 3184-3194——Considerable abuse in the Severn on account of the nets used for shad or twait, salmon being frequently taken in them; explanation as to these nets being licensed, 3195-3197. 3523-3529——Suggestion that there be a maximum and a minimum size of mesh, to be regulated by bye-law, 3198, 3199. 3357-3359.

Difficulty in the upper part of the Severn through the prohibition upon the use of trammel nets: suggested modification on this point, 3199, 3200——Amendment proposed, in order to render more effectual the prohibition of fixed engines, 3201-3206——Proposed qualification of the provision as to fishing mill-dams not being used for fishing, unless the fish-pass had always a certain supply of water flowing down, 3208, 3209.

Obstacle to prescribing any maximum limit within which to prohibit fishing at weirs; the minimum limit might be fifty yards, 3209-3218——Approval of a right to fish with rod and line near weirs, 3218-3220——Great obstacles to the proposed application of gratings to the tail races of mills; illustration of this in the case of witness, and adjoining millowners on the Teme, 3221-3235——Want of definition by law of unclean and unseasonable fish, 3236, 3237.

Suggested prohibition of the capture of trout below a certain size in salmon rivers, 3238, 3239. 3354-3356. 3478-3481. 3540-3545——Expediency of restrictions upon the removal of salmon ova for artificial propagation, 3240-3242. 3350-3353. 3459——Approval of one uniform close season being laid down by Act, with power of variation in local boards, subject to central authority, 3243-3248——Want of more stringent regulations against the sale of fish out of season, 3249-3251.

Way in which certain provisions of the Act of 1861 operate very harshly upon the owners

Report, 1870—*continued.*

Willis-Bund, John. (Analysis of his Evidence)—*continued.*

of putts and putchers in the Severn estuary, 3252, 3253——Description of putts and putchers; very large number in the Severn, which have been certified as legal, and number declared illegal, 3253-3275——Expediency of inquiry into the Crown's title to putts and putchers in the Severn, 3257-3263. 3461-3466.

Very satisfactory working of the Special Commissioners as the tribunal of inquiry into the legality of fixed engines, such as putts and putchers; economy as compared with an inquiry before a judge, 3276-3284. 3467-3475. 3489, 3490——Want of power in boards of conservators to attach fish-passes to weirs, when the owners refuse to do so, 3285, 3286—— Opinion that a liability of fishery proprietors for one year, instead of two, would be sufficient, as regards the construction of passes, 3287, 3288.

Undue restriction under the Act of 1861, in regard to dealing with navigation weirs, 3389——Steps about being taken in regard to the new navigation weirs, near Gloucester, and the provision of fish-passes therein, 3290-3295——Amendment required in the clause, with regard to the supply of water to fish-passes, 3296——Want of power to search boats for salmon illegally taken, 3297, 3298——Suggestions for the amendment of sections 24 and 26 of the Act of 1861; 3299-3304.

Doubt as to any disadvantage arising from the repeal of old Acts in the schedule to the Act of 1861; 3304——Acquiescence generally of lawyers in the decision given in the case of Rolle *v.* Whyte, 3305, 3306. 3398, 3399——Particulars relative to the constitution of the Severn Board of Conservators; detailed suggestions hereon in favour of the Severn Board, and of boards generally, being formed on the representative, or elective principle, 3307-3323. 3407-3409. 3476, 3477. 3491-3496. 3557-3585——Proposed extension of the powers of water bailiffs for the arrest of offenders, 3324-3327. 3439-3443.

Several objections to which the present system of licenses in the Severn is open; suggestions for the amendment of the system, and for the adoption generally of a differential scale of licenses, 3328-3339. 3572-3581——Restrictions proposed as to the mode of using nets, it being desirable to prohibit fishing at the mouths of tributaries and other places, 3332. 3359-3364——Approval of some extension of the power of the Special Commissioners as to inquiry into dams, 3340-3343. 3396, 3397—— Want of a further appeal from the Special Commissioners, as to the Court of Exchequer Chamber, 3344-3349.

Great importance attached to a power in local boards to make bye-laws, subject to some central control, 3357-3359. 3366-3368. 3395. 3405, 3406. 3434, 3435. 3452. 3497-3501——Inexpediency of any large extension of the weekly close time, 3365——Alteration desirable as regards the period for which putchers are used in the Severn, 3367, 3368. 3530-3539——Suggestions as to the practice to be observed, and the notice to be given, in the matter of bye-laws, 3371-3374——Expediency of a close time for eels, as a protection to salmon, 3375-3378——Proposed extension of licenses to all net fishing, besides salmon fishing, 3379, 3380.

Particulars relative to the fish-pass placed by witness on the Powick weir on the Teme; its efficiency, 3381-3394. 4000—— Exceptions taken to the proposal of Mr. Paterson for making an opening in the crest of every weir; great injury thereby to many mills, 3394. 3400-3402. 3410-3413. 3610-3617——Entire dissent from Mr. Paterson's opinion, that the Bill of last Session was worth very little, 3403-3405. 3432, 3433.

Evidence opposed to compulsory powers in boards of conservators to purchase mill-dams, except under certain conditions; approval of power to purchase where the mills are under 100 *l.* a year rental, 3414-3432. 3444-3448. 3502-3507. 3546-3550. 3586-3609. 3618-3638. 3640, 3641——Expediency of extended powers in the provision of fish-passes, rather than of suddenly granting compulsory powers for the removal or purchase of mill-dams, 3430-3433. 3449-3451. 3486-3488. 3603-3609. 3629, 3630. 3640, 3641.

Injurious effect of some diagonal boards attached to witness's weir, in order to form a fish-pass, 3438. 3453-3456——Difficulty as to the funds required to buy up the mill-dams on the Teme, 3444-3448. 3502-3507. 3509-3514. 3635-3638——Obstacle through the navigation weirs on the Severn to the ascent of the salmon, 3482, 3483. 3595-3597——Provision of fish-passes over most of the weirs on the Teme, 3484, 3485——Improvement if pollutions could only be discharged into the river at flood-tide, 3515-3522.

Different close season desirable for the Severn, the Teme, and the Wye, 3551-3556——Expediency of boards of conservators being constituted on the representative system if entrusted with the power of making bye-laws, 3557-3559——Much larger value of the mills owned by witness on the Teme than of the fishing interest affected by the mill-dams; objection to compulsory purchase in his case, 3586-3602. 3622-3631.

Wilson, Jeremiah. (Analysis of his Evidence.)—Resides at Stockton, and is a lessee of fisheries in the Tees, 6062-6066——Has hatched several thousands of young salmon and

Report, 1870—*continued.*

Wilson, Jeremiah. (Analysis of his Evidence)—*continued.*

and turned them into the river, 6067-6070. 6129-6132. 6269, 6270——Improvement in the Tees fisheries between 1861 and 1864; continued improvement till 1868, in which year, and in 1869, there was a great falling off, 6071-6098——Very extensive and destructive use of hang nets in the sea near the Tees and the Tyne, greatly to the detriment of the salmon fisheries, 6099-6115. 6299-6301.

Immense obstruction caused by the Dinsdale dam in the Tees; the fish-pass made in 1867 having only increased the evil; suggestions for an improved pass, though it would be still better to buy up and remove the dam, the mill not being valuable, 6115-6136. 6178, 6179. 6194-6199. 6221-6226. 6238-6245. 6256-6268. 6273-6282. 6320-6333——Great and increasing destruction of salmon spawn in the Tees by bull trout; suggestion that a mesh of smaller size be allowed after June, for the purpose of catching the bull trout, 6137-6142. 6271-6272.

Grounds for the suggestion that there should be a limit on the maximum size of the mesh of nets, and that a 2¼-inch mesh should be the largest size, 6143, 6144. 6302-6319——Suggestions for the extension of the weekly close time in the tidal waters of the Tees, 6145-6158. 6227-6230. 6283, 6284——Proposal that the annual close time in the Tees be extended till the 1st April, but that September be allowed for fishing, 6159-6168. 6231-6250.

Suggestion that there be an increased license duty on nets when more than 100 yards long, 6169-6174——Proposed prohibition of hang nets in rivers, or within three miles of the mouths of rivers, 6175-6177. 6310, 6311——Advantage if the rod license were reduced to 5*s.*, 6180-6182. 6216-6219. 6285-6289——Approval of a prohibition upon fishing within 200 yards of any mill-dam, more especially below the dams, 6185, 6186. 6296-6298——Illegal capture of many salmon at Dinsdale dam by stroke-hauling; difficulty in putting down this practice, 6187-6193. 6251-6255. 6339-6359.

Approval of a power in boards of conservators to make bye-laws, subject to appeal, 6200-6203——Advantage of some representation of the fishermen or license-holders at the Tees and other local boards, 6204-6214——Limited amount of poaching on the Tees; more severe punishment desirable in some cases, 6218, 6219. 6290-6295——Steps taken for the prevention and punishment of poaching on the river, 6334-6336.

Woodburn Dam (River Tyne). Contemplated purchase of a small dam on the Tyne at Woodburn, *Cuthbert* 2342-2248——Advantage anticipated from the removal of the Woodburn Dam, *Lisle,* 5540, 5541.

Wye and Severn Fisheries. Very injurious extent to which the Severn fisheries are affected by weirs, *Walpole* 46——Difficulties on the Wye, owing to the large portion of the river which is netted, *ib.* 209——Considerable abuse in the Severn on account of the nets used for shad or twait, salmon being frequently taken in them; explanations as to these nets being licensed, *Willis-Bund* 3195-3197. 3523-3529——Difficulty in the upper part of the Severn through the prohibition upon the use of the trammel nets; suggested modification on this point, *ib.* 3199, 3200——Question raised as to the Duke of Beaufort's title to fixed engines on the Wye and Usk, most of his claims having been confirmed, *Lloyd* 4599-4602——Explanation relative to an application to the Wye and Usk Board for a general license, which was refused; this was four or five years ago, *ib.* 4615. 4620-4622.

Terms on which fisheries in the Wye and Severn are leased by witness's firm, and of the rents paid, *Miller* 4642-4655——Statement to the effect that owing to the peculiarities of the tide in the Wye and Severn, and the length of the weekly close time, net fishing is restricted to about five hours a day for five days a week, *ib.* 4696-4707. 4768-4788. 4998-5014——Decided objection to any extension of the weekly close time in the Wye and Severn; it is much too long already, *ib.* 4754-4759. 4768, 4769. 4778-4788. 5048——Large sum paid by witness's firm for license duties and for water bailiffs, *ib.* 4760-4762. 4939-4941. 4957-4963——Relative advantages of the Wye and the Tay as salmon rivers; better protection required in the former, *ib.* 4789-4801.

Necessary suspension of salmon fishing in the Wye and Severn when the weather is calm, *Miller* 4828-4830——Satisfaction expressed with the present annual close time in the Wye, *ib.* 4831-4837. 4956——Mode of working the draft net in the Wye, *ib.* 4898, 4899——Existence of salmon in the Wye for upwards of 300 years, *ib.* 4924——Statement to the effect that the Wye is not a very early river, though fish run up almost during the whole of the season, *ib.* 4925-4929. 4937, 4938. 5040-5044——Very little rod fishing below Hereford, *ib.* 4930, 4931.

Particulars relative to the constitution and working of the Wye Board; undue representation of the upper fisheries, *Miller* 4932-4936. 4984-4997. 5053-5073——Considerable number of licenses taken out by witness and his brother in the Wye and Severn, *ib.* 4949-4955——Statement as to the non-paying character of some of the fisheries licensed by witness's firm, *ib.* 4964-4966. 5015-5023. 5082, 5083——Dissent from the view that those fishing in the tidal waters of the Wye, &c., have an unfair proportion of the fish; witness, in fact, does not get a fair share, *ib.* 4966, 4967. 5021-5023. 5045-5052. 5074-5081——

Report, 1870—*continued.*

Wye and Severn Fisheries—continued.

5081——Absence of benefit if net fishing in the estuary were further restricted, so as to facilitate the fish going up to spawn, *Miller* 4968-4972. 5100-5124.

Restriction placed by the Special Commissioners upon the use of stopping nets and boats in the Severn and Wye, *Miller* 4976-4983——Unproductive character of the fisheries above Monmouth, *ib.* 5016-5018. 5020——Use by witness of five distinct modes of fishing in the Severn and Wye, *ib.* 5100–5115——Circumstance of witness not fishing in the estuary in February, *ib.* 5139–5145——Want of foundation for the prejudice or jealousy entertained by the upper proprietors on the Wye towards the lower proprietors, *ib.* 5147–5153.

Return of the number of cases heard before the Special Commissioners, and their decisions thereon, *App.* 299.

See also *Sheep Washing.*

Y.

Yarty River. Great improvement expected in the Yarty fishery, through the provision of a fish pass in the weir, *Hallett* 4221.

Yorkshire. Difficulty in keeping up the fishery boards in Yorkshire, on account of the deficiencies of the law, *Phillips* 1723–1725.